

STATE OF CALIFORNIA
Budget Change Proposal - Cover Sheet
DF-46 (REV 08/15)

Fiscal Year 2016-17	Business Unit 0890	Department Secretary of State	Priority No. 005
Budget Request Name 0890-004-BCP-BR-2016-GB		Program 0705-ELECTIONS	Subprogram



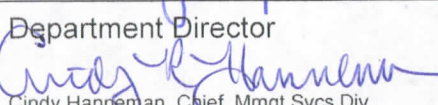
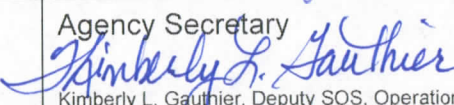
Budget Request Description
Help America Vote Act Spending Plan

Budget Request Summary

The Secretary of State (SOS) requests \$54.085 million in expenditure authority for FY 2016-17 from the Federal Trust Fund (FTF) to continue implementation of the statewide mandates of the Help America Vote Act of 2002 (HAVA). See related VoteCal BCP #003.

Requires Legislation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Code Section(s) to be Added/Amended/Repealed	
Does this BCP contain information technology (IT) components? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, departmental Chief Information Officer must sign.</i>	Department CIO	Date
For IT requests, specify the date a Special Project Report (SPR) or Feasibility Study Report (FSR) was approved by the Department of Technology, or previously by the Department of Finance. <input type="checkbox"/> FSR <input type="checkbox"/> SPR Project No. Date:		

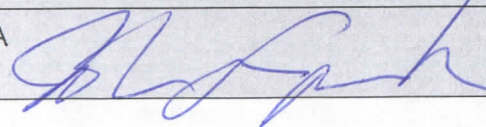
If proposal affects another department, does other department concur with proposal? ☐ Yes ☐ No
Attach comments of affected department, signed and dated by the department director or designee.

Prepared By  Becky Lopez, Budget Officer	Date OCTOBER 20, 2015	Reviewed By  Kristin Dagsher, Fiscal Affairs Manager	Date OCTOBER 20, 2015
Department Director  Cindy Hanneman, Chief, Mgmt Svcs Div	Date OCTOBER 20, 2015	Agency Secretary  Kimberly L. Gauthier, Deputy SOS, Operations	Date OCTOBER 20, 2015

Department of Finance Use Only

Additional Review: ☐ Capital Outlay ☐ ITCU ☐ FSCU ☐ OSAE ☐ CALSTARS ☐ Dept. of Technology

BCP Type: ☐ Policy ☐ Workload Budget per Government Code 13308.05

PPBA  Date submitted to the Legislature
11/7/16

Analysis of Problem

A. Budget Request Summary

The Secretary of State (SOS) requests \$54.085 million in expenditure authority for FY 2016-17 from the Federal Trust Fund (FTF) to continue implementation of the statewide mandates of the Help America Vote Act of 2002 (HAVA) (P.L. 107-252). The requirements of HAVA include statewide modernization or replacement of voting equipment, education and training programs for election officials and poll workers, development and dissemination of voting information to increase voter participation and confidence, voting systems testing and approval, and a statewide voter registration database. This request does not include funding for HAVA VoteCal, the statewide voter registration database, which is requested in a separate BCP.

B. Background/History *(Provide **relevant** background/history and provide program resource history. Provide workload metrics, if applicable.)*

On October 29, 2002, the President signed into law the Help America Vote Act of 2002 (P.L. 107-252) (HAVA). To date, California has received \$391.3 million in federal funds to implement these mandates. Currently, including interest earned, total funds equal \$435.9 million.

Resource History *(Dollars in thousands)*

Program Budget	PY - 4	PY - 3	PY - 2	PY - 1	PY
Authorized Expenditures	4,954	72,065	4,717	3,960	5147
Actual Expenditures	2,190	62,356	2,412	2,526	3,697
Revenues	N/A	N/A	N/A	N/A	N/A
Authorized Positions	N/A	N/A	N/A	N/A	N/A
Filled Positions	N/A	N/A	N/A	N/A	N/A
Vacancies	N/A	N/A	N/A	N/A	N/A

Workload History

Workload Measure	PY - 4	PY - 3	PY - 2	PY - 1	PY	CY
e.g., Applications Received, Applications Processed, Call Volume, etc.	N/A	N/A	N/A	N/A	N/A	N/A

*Authorized expenditures for FY 2011-12 include the re-authorization of \$66.9 million for continuation of local assistance to counties for implementation of HAVA requirements. Budgets for all fiscal years include multi-year contracts.

In FY 2002-03, the SOS submitted and received approval for a Section 28.00 in the amount of \$195,000 to develop the California state plan, My Vote Counts: California's Plan for Voting in the 21st Century, published in the Federal Register on March 24, 2004. Of the amount authorized, \$166,000 was expended on development of the state plan and costs associated with conducting public hearings to meet federal mandates that were required to be in place for the March 2004 Presidential Primary.

In FY 2003-04, the SOS received approval for another Section 28.00 in the amount of \$81.2 million. A total of \$56.3 million was expended and encumbered for county punch-card replacement, voter outreach and education activities, and administrative costs.

The Budget Act of 2004 included a one-time augmentation of \$266.1 million in federal funds to continue HAVA implementation; however, spending authority was restricted by the Legislature pending submission of a detailed spending plan. It should be noted that during this time there was also a major change in the SOS Administration. A new Secretary was confirmed on March 30, 2005. On April 14, 2005, the Legislature approved, with concurrence of the new Secretary, a detailed spending plan. By year-end, \$15.1 million was expended and encumbered for county poll worker and voter training, continuation of county punch card replacement, county security measures, parallel monitoring, and administrative costs associated with HAVA implementation.

Analysis of Problem

The Budget Act of 2005 re-appropriated federal funds authorized in the Budget Act of 2004, and included additional authority of \$1.7 million for administrative costs and the Budget Act of 2006 authorized \$6.3 million. An additional \$8.2 million was authorized in mid-year FY 2006 for county reimbursements in the form of re-appropriations from previous contracts.

In the FY 2007-08 Governor's Budget, the SOS requested \$3.5 million in federal funds originally appropriated in the Budget Act of 2004 to continue implementation of the statewide mandates of HAVA. An addition of \$111.3 million was requested and approved via the 30 day notification letter to the Chairperson of the Joint Legislative Budget Committee in August of 2007 for various HAVA activities that included poll monitoring, parallel monitoring, election system migration, reimbursement to counties and grants to counties for voting assistance to disabled persons.

In FY 2008-09, the SOS received approval to utilize \$5.3 million for activities including voter education, voting system testing and approval, election assistance for individuals with disabilities, and continued administration of HAVA activities.

In FY 2009-10, the SOS was authorized to expend \$4.3 million for voter education, voting system testing and approval, election assistance for individuals with disabilities, and continued administration of HAVA activities.

In FY 2010-11, the SOS was authorized to expend \$4.2 million for voter education, voting system testing and approval, election assistance for individuals with disabilities, and continued administration of HAVA activities.

In FYs 2008, 2009, and 2010 Congress allocated a total of \$31,991,503 in new HAVA funding to California. To claim those funds, California was required to submit a revised HAVA State Plan to the Election Assistance Commission (EAC). The procedure for revising the State Plan required the seating of an advisory committee and extensive discussions with stakeholders. The SOS submitted the revised State Plan on July 30, 2010. Following approval by the EAC, the Plan was published in the Federal Register, and California was eligible to receive the funds.

In FY 2011-12, the SOS was authorized to expend \$70.7 million (\$66.9 million of which was re-authorization of local assistance funding) for voter education, voting system testing and approval, election assistance for individuals with disabilities, and continued administration of HAVA activities.

In FY 2012-13, the SOS was authorized to expend \$4.4 million for voter education, voting system testing and approval, election assistance for individuals with disabilities, completion of the Post Election Audit study funded by a special grant using HAVA Section 271 funds, and continued administration of HAVA activities.

In FY 2013-14, the SOS was authorized to expend \$3.8 million for voter education, voting system testing and approval, election assistance for individuals with disabilities, and continued administration of HAVA activities.

In FY 2014-15, the SOS was authorized to expend \$5.1 million for voter education, voting system testing and approval, election assistance for individuals with disabilities, and continued administration of HAVA activities.

In FY 2015-16, the SOS was authorized to expend \$3.3 million for voter education, voting system testing and approval, election assistance for individuals with disabilities, and continued administration of HAVA activities.

C. State Level Considerations

The enactment of HAVA created several new mandates for California with respect to conducting federal elections. California met many of these requirements for the March 2, 2004, federal election, as required by HAVA; however most of the HAVA requirements had an implementation date of January 1, 2006, or, in some cases, no later than the first federal election after January 1, 2006. California met the deadlines for implementing most of the new mandates, but was successful in negotiating additional time for creating and implementing the required statewide voter registration database (VoteCal). The SOS System Integration contractor is in the testing and pilot stages and it is estimated that the new VoteCal system will be fully deployed by June 30, 2016, per the approved SPR # 5.

Election officials, voters and interest groups continue to express concern about the shortage of accessible polling places in many counties in California. HAVA funds enabled the SOS to update the Polling Place Accessibility Guidelines and to conduct training sessions for election officials throughout the state to implement those guidelines in selecting the most accessible polling places possible. In addition, HAVA funding has been used to obtain mitigation supplies for all counties to increase polling place accessibility.

Analysis of Problem

D. Justification

HAVA requires states and localities to meet uniform and nondiscriminatory election technology and administration requirements applicable to federal elections. Per the attached HAVA Spending Plan, expenditure authority (including some re-authorization of funds not used in previous fiscal years) is requested in FY 2016-17 for the following activities:

September 10, 2015 HAVA Spending Plan for FY 2016-17

Activity	Amount	HAVA Citation
HAVA Activities		
EAID Grants – State Support (\$50K)	\$ 50,000	HAVA Required – Section 261
Voting System Testing & Approval – Support	\$ 380,000	HAVA Required – Section 301
Section 301 – Voting Systems AVVPAT	\$ 51,000,000	HAVA Required – Section 301
Interim Solution – Support	\$ 450,000	HAVA Required – Section 303
Administration – Support	\$ 1,605,000	HAVA Allowable – Sections 101, 251 & 261
Performance Measures – Support	\$ 100,000	HAVA Allowable – Section 254
HAVA Activities Total ¹	\$ 3,085,000	

¹ Funds for the VoteCal project will be secured through a separate BCP

E. Outcomes and Accountability *(Provide summary of expected outcomes associated with Budget Request and provide the projected workload metrics that reflect how this proposal improves the metrics outlines in the Background/History Section.)*

This proposal is not intended to address existing state workload or improve state business workflow. Rather, it is an amendment to a spending plan created by the SOS to utilize and/or distribute federal grant funds to underwrite the implementation of HAVA. As the principle election official for the state of California, the SOS is required to ensure that counties meet the requirements of HAVA for improving accessibility to the polling place and to the voting process, for creating and maintaining a statewide voter registration database, for improving the administration of elections through the training of elections officials, including poll workers, and for voter education.

The SOS submits monthly reports to the US Department of Justice (US DOJ) on the progress of creating a statewide voter registration database. The SOS also submits annual reports to the California Legislature, to the US Elections Assistance Commission and to the US Department of Health and Human Services summarizing accomplishments of the prior year and reporting on the funds expended to achieve the goals outlined in the HAVA Spending Plan.

Projected Outcomes

Workload Measure	CY	BY	BY+1	BY+2	BY+3	BY+4
e.g., Applications Received, Applications Processed, Call Volume, etc.	N/A	N/A	N/A	N/A	N/A	N/A

Analysis of Problem

F. Analysis of All Feasible Alternatives

Alternative 1: Approve the HAVA Spending Plan as submitted

This is the preferred solution, as it allows the SOS and the counties to continue to improve the election process and to increase the accessibility to polling places for elderly voters and voters with disabilities. Each election cycle, the US DOJ sends representatives to selected counties nationwide to monitor for compliance with the Voting Rights Act of 1965 and the National Voter Registration Act of 1993, both of which are incorporated by reference into HAVA. They have visited several California counties in the past few federal election cycles. Since US DOJ is also responsible for enforcing the implementation of HAVA, it is imperative that the SOS continues to ensure compliance to the law. Continuing to provide adequate funding for these projects is crucial to these efforts.

Alternative 2: Eliminate the state support in the Election Assistance for Individuals with Disabilities (EAID) budget, thereby reducing the total proposed authorized expenditures to \$50,000.

Eliminating the EAID budget would delay the implementation of mitigation measures in time for the 2016 election cycle. Unlike other HAVA funds, the EAID funds have a five-year sunset provision. If the funds are not expended and claimed within this time-frame, the funds revert to the federal government. It has been the experience of the SOS that the time between federal notification of each year's award and actual expenditure of the funds by the counties can be as long as four years. The SOS uses the first-in first-out process in submitting claims to DHHS, so we have not lost any funding to date. However, by allocating funds as soon as possible, the SOS is able to re-allocate unspent funds from expired contracts for other uses before the funds revert.

Alternative 3: Do nothing

Do not authorize adoption of the HAVA Spending Plan for FY 2016-17. Because HAVA requires improvements to the election process at both the state and county levels, California could be sued by the US DOJ for non-compliance if the mandates are not observed. If there is no authorization for use of HAVA funds to continue these required activities, California would be required to underwrite these costs using money from the General Fund.

G. Implementation Plan

See attached HAVA Spending Plan.

H. Supplemental Information *(Describe special resources and provide details to support costs including appropriate back up.)*

Several contracts may be required for this effort. Most will be with counties to allow funding for local implementation of HAVA requirements. Interagency agreements will be required for support of the interim solution to the statewide voter registration database.

I. Recommendation

Alternative 1. Approve the HAVA Spending Plan as presented. This would allow maximum available funding for counties to improve accessibility to polling places and to further train elections staff to implement these improvements. It would also ensure that adequate funds are available to underwrite the costs of redirected staff; eliminating the impact of these activities on the General Fund.

BCP Fiscal Detail Sheet

BCP Title: Help America Vote Act Spending Plan

DP Name: 0890-004-BCP-DP-2016-GB

Budget Request Summary

	FY16					
	CY	BY	BY+1	BY+2	BY+3	BY+4
Salaries and Wages						
Earnings - Permanent	0	1,025	0	0	0	0
Total Salaries and Wages	\$0	\$1,025	\$0	\$0	\$0	\$0
Total Personal Services	\$0	\$1,025	\$0	\$0	\$0	\$0
Operating Expenses and Equipment						
5301 - General Expense	0	132	0	0	0	0
5304 - Communications	0	71	0	0	0	0
5306 - Postage	0	27	0	0	0	0
5320 - Travel: In-State	0	43	0	0	0	0
5320 - Travel: Out-of-State	0	17	0	0	0	0
5340 - Consulting and Professional Services - Interdepartmental	0	646	0	0	0	0
5340 - Consulting and Professional Services - External	0	408	0	0	0	0
5342 - Departmental Services	0	408	0	0	0	0
539X - Other	0	308	0	0	0	0
54XX - Special Items of Expense	0	51,000	0	0	0	0
Total Operating Expenses and Equipment	\$0	\$53,060	\$0	\$0	\$0	\$0
Total Budget Request	\$0	\$54,085	\$0	\$0	\$0	\$0

Fund Summary

Fund Source - State Operations						
0890 - Federal Trust Fund	0	3,085	0	0	0	0
Total State Operations Expenditures	\$0	\$3,085	\$0	\$0	\$0	\$0
Fund Source - Local Assistance						
0890 - Federal Trust Fund	0	51,000	0	0	0	0
Total Local Assistance Expenditures	\$0	\$51,000	\$0	\$0	\$0	\$0
Total All Funds	\$0	\$54,085	\$0	\$0	\$0	\$0

Program Summary

Program Funding						
0705 - Elections	0	54,085	0	0	0	0
Total All Programs	\$0	\$54,085	\$0	\$0	\$0	\$0

Personal Services Details

Salaries and Wages	CY	BY	BY+1	BY+2	BY+3	BY+4
VR00 - Various	0	1,025	0	0	0	0
Total Salaries and Wages	\$0	\$1,025	\$0	\$0	\$0	\$0
Total Personal Services	\$0	\$1,025	\$0	\$0	\$0	\$0

August 14, 2015 HAVA Spending Plan for FY 2016-17

Activity	Amount	HAVA Citation
HAVA Activities		
EAID Grants – State Support (\$50K)	\$ 50,000	HAVA Required – Section 261
Voting System Testing & Approval – Support	\$ 380,000	HAVA Required – Section 301
Voter Education – Support	\$ 500,000	HAVA Required – Section 302
Interim Solution – Support	\$ 450,000	HAVA Required – Section 303
Administration – Support	\$ 1,605,000	HAVA Allowable – Section 101, 251 & 261
Performance Measures – Support	\$ 100,000	HAVA Allowable – Section 254
HAVA Activities Total ¹	<u>\$ 3,085,000</u>	

¹ Funds for the VoteCal project will be secured through a separate BCP

The Help America Vote Act (HAVA) was signed into law by President Bush on October 29, 2002. To address irregularities in voting systems that came to light in 2000, HAVA provided federal funding to the states to implement changes mandated by HAVA. There are three sources of funding provided by HAVA for use to improve the administration of federal elections and to meet the requirements of Title III of HAVA. Those sources are Section 101, Section 102 and Section 251 funds. Sections 261 and 271 provide additional funding specific to meeting the requirements of those sections.

The funds received by a state under Section 101 can be used for the following purposes:

- Complying with the requirements under Title III.
- Improving the administration of elections for Federal office.
- Educating voters concerning voting procedures, voting rights, and voting technology.
- Training election officials, poll workers, and election volunteers.
- Developing the State plan for requirements payments to be submitted under Title II.
- Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.
- Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.
- Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

Section 102 funds can be used ONLY for the purposes of replacing punch card and lever voting systems with voting systems that comply with Section 301(a) of HAVA. The State (and counties) met the obligations by the deadline prescribed by HAVA. Punch card voting systems previously in use have been replaced using these funds, and a final certification on expenditure of funds was issued to the EAC on November 15, 2006.

Section 251 funds can be used to implement any of the Title III requirements, including purchasing compliant voting systems, implementing provisional voting, providing information to voters in the polling place, and developing and implementing a statewide voter registration list.

HAVA creates minimum (national) requirements but establishes that specific choices on methods of compliance are left to the discretion of the states. Title III requirements are:

Section 301 - Voting systems must be deployed that: (1) meet accessibility standards for voters with disabilities (enabling voters with disabilities to cast a ballot independently and privately); (2) allow voters to review ballots before casting their votes; (3) provide the ability for voters to find errors in their ballots (and correct errors before casting a ballot); (4) provide a manual audit capacity of election results (the state requirement for a voter-verified paper audit trail (VVPAT), which the Election Assistance Commission (EAC), the federal oversight authority for HAVA, has determined, under certain circumstances, meets the requirement for a manual audit capacity; and (5) create a uniform definition of vote for each voting system.

Section 302 - Voter Education and provisional voting rights must be provided including information on the voter's ability to check whether their ballot was counted (and if not, why not), public postings of sample ballots, instructions on how to vote (including casting a provisional ballot), instructions for first-time voters who register by mail (who must show ID when they vote), general information on voting rights under federal and state law, and general information on federal and state laws against fraud and misrepresentation.

Section 303 – Mandated creation and maintenance of a statewide voter registration list (database), which also must, among other requirements, provide the ability for independent verification of unique identifiers (such as a driver's license number, California ID number or partial social security number) or the issuance of a unique identifier by the state in the absence of unique identifiers provided by the voter.

There are other requirements necessary for HAVA compliance which include:

Statewide implementation of uniform and nondiscriminatory election processes and procedures. States (not counties, which actually conduct California elections) are responsible for HAVA implementation and oversight to ensure uniformity.

State approval of voting systems that meet HAVA Section 301 standards. The federal oversight authority for HAVA, the EAC will NOT opine on what constitutes a compliant voting system. Nonetheless, under state law, a direct-recording-electronic (DRE) voting systems must first pass federal testing and certification, which is under direct oversight by the EAC, before that DRE voting system can be considered for state approval (see Elections Code section 19250). And no voting system can be used in California unless it is approved by the State. Thus, the state approval process is the final determinant of what voting system may be used in California.

Poll Worker Training and Election Performance Assessment. This program is a tool that addresses dual needs: (1) the need for the state to provide oversight and monitor the level of county compliance with HAVA requirements and (2) the HAVA requirement in Section 254(a)(8) for instituting performance measures and regularly reviewing those measures.

Voter education. California has pre-existing policies that address some voter education requirements, specifically the requirements to provide a sample ballots to voters, and the polling place posting of voter education materials. But HAVA also includes (1) new provisional voting rights that now include the ability for the voter to verify their ballot was counted (and if not, why not); (2) new instructions on voting systems that are necessary because of dramatic, statewide changes in voting system operations; (3) new requirements for providing a driver's license number or partial social security number when registering to vote; (4) 2010 policies to facilitate voter registration procedures for UOCAVA voters, including opportunities for on-line voter registration; and (5) new requirements that certain first-time voters who register by mail show ID when they vote. All of these new requirements, which fundamentally affect the voter's ability to exercise the franchise, require ongoing voter education efforts.

Since its inception in 2002, many HAVA requirements have been completed. The Appendix to this Spending Plan contains historical spending plan detail on completed HAVA activities for reference.

**ELECTION ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES GRANTS
(EAID) –
HAVA REQUIRED/SECTION 261
LOCAL ASSISTANCE & STATE SUPPORT**

FUNDING	FY 03-04 to FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	TOTAL
Budgeted	\$ 10,024,391	\$ 652,584				\$ 10,676,975
Proposed						
Fund Shift ¹	\$ 1,912,749	\$ 468,753	\$ 2,329,906	\$ 321,337	\$ 50,000	
Actual/Projected Expenditures ²	\$ 7,225,732	\$ 591,184	\$ 2,329,906	\$ 321,337	\$ 50,000	\$ 10,518,159
Balance	\$ 4,711,408	\$ 530,153				\$ 158,816 ³

¹ Unused funds were shifted forward as needed for use in subsequent fiscal years. In some instances funds were shifted more than once.

² The current FY and the proposed FY are projected expenditures. Previous FYs are actual expenditures.

³ A portion of the funds originally allocated in 13-14, were unspent. Only some of these unspent funds were used in subsequent fiscal years, leaving a remaining balance. Authorization for funding shift of this remaining balance will be requested in an amendment letter for FY 15-16.

HAVA Section 261 establishes payments through the U.S. Secretary of Health and Human Services to states and units of local government to assure access for individuals with disabilities. The funding was allocated by the federal Department of Health and Human Services (DHHS) beginning in 2003. The funding was allocated for:

1. *Polling Place Accessibility* - Make polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with the full range of disabilities.
2. *Equal Opportunity* - Provide the same opportunity for access and participation (including privacy and independence) to individuals with the full range of disabilities as for other voters.
3. *Accessibility Training* - Train elections officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with the full range of disabilities in elections for federal office.
4. *Access Information* - Provide individuals with the full range of disabilities with information about the accessibility of polling places.

The Secretary of State (SOS) began executing contracts with counties to allocate funding pursuant to HAVA Section 261 on September 2, 2005. The total cumulative value of the 2005 contracts executed with all 58 counties was \$3,345,629.

Counties were in the process of submitting claims for expenditures made for the purposes specified in the contracts during the 2006 election cycle. Some counties were conducting polling place surveys in anticipation of the early start of the 2008 election cycle. Some counties were reacting to “lessons learned” during the 2006 election cycle to improve and expand polling place accessibility. Two counties were sued by the California Department of Justice over polling place

accessibility; both of those lawsuits have been settled. Finally, other counties had not fully expended the funding available to them, and the SOS requested the ability to “carry over” these funds through a contract extension, extending the contracts to June 30, 2007, to allow counties to expend these funds for the 2008 election cycle (FY 07-08).

Therefore, SOS requested a shift of expenditure authority in FY 07-08 in an amount not to exceed \$2,641,000 and pursuant to legislative authority previously granted to allocate up to \$3,345,629 million in total HAVA funding.

The actual funding that remained unclaimed under the contracts that expired June 30, 2007, was \$1,304,607. This money was moved forward to FY 07-08 to fund new contracts with the 33 counties that had balances remaining unspent in the original expired contracts. The funds for the new contracts for FY 07-08 were not available until October 2007, with the contracts expiring on May 31, 2008. Under new guidelines issued by the DHHS on May 17, 2007, the EAID grant funding was determined to be subject to a five-year sunset. The May 31, 2008, contract deadline was selected because a portion of the funding was scheduled to revert to DHHS under the new guidelines by September 2008, and adequate time had to be allowed for filing and processing claims following the end of the contract period. With two (and for some counties, three) elections to conduct during that time period, not all counties had the personnel time to make allowable purchases and file claims before the deadline.

Because the amount unclaimed under the FY 07-08 county contracts was less than the remaining balance of the money awarded by DHHS in 2005, there was sufficient funding available to re-appropriate that money to the counties that had not filed claims for the previously awarded funds. An amendment to the FY 08-09 spending plan was filed requesting authority to award contracts to counties that had balances that had not been used under the previous contracts. A few of the counties did not wish to enter into an additional contract, and the funds that had remained in those contracts were re-appropriated for other uses. In addition to funding those contracts, funds appropriated for FY 08-09 were used for:

- Entering into a multi-year contract with the California Department of Rehabilitation to update the SOS Polling Place Accessibility Guidelines and to prepare and conduct training programs for county elections personnel in on using those guidelines to assess accessibility; and
- Funding the first competitive grant program for counties to use for improving accessibility, poll worker training, and education and outreach program for elderly voters and voters with disabilities.

In FY 09-10 spending approval for funds totaling \$1,647,159 (including \$1,279,848 in new funding from DHHS, and \$367,311 reallocated from previous fiscal year appropriations) were requested in the HAVA Spending Plan and an amendment for use for various statewide and local assistance programs relating to accessibility issues. These included:

- Funding a second competitive grant to counties for use in mitigation measures for polling places to improve accessibility, voter education, poll worker training, and other projects allowed under HAVA Section 261; and
- Funding for counties to send personnel to regional training programs in assessing accessibility being conducted by the Department of Rehabilitation under the contract which began in FY 08-09 and to use to survey polling places for accessibility or to provide accessibility equipment for polling places.

In 2009, California received a new grant from DHHS in the amount of \$1,279,927. In addition, reallocation of \$330,000 from the previous fiscal year's competitive grant allocation was approved for use in FY 2010-11. Of these funds (\$1,330,000) was approved for a third competitive grant for counties. The remaining amount (\$279,927) was allocated for additional statewide purposes, including development and completion of election official training modules (including video training programs on assessing polling place accessibility), and on upgrading the SOS's Elections website for improved accessibility.

In FY 2011-12, the SOS proposed to spend \$1,000,000 in local assistance for county training and polling place mitigation grants. \$407,000 was allocated for state support, including development of additional training videos aimed at improving implementation of polling place accessibility guidelines.

In FY 2012-13, the SOS requested authorization to allocate \$1,500,000 in local assistance to be used to improve accessibility of polling places through polling place mitigation grants and \$200,000 for state support and grant administration.

In FY 2013-14, the SOS requested authorization to allocate \$1,021,000 in local assistance to be used to improve accessibility of polling places through county training and polling place mitigation grants and \$100,000 for state support and grant administration, including revision of training material for polling place accessibility training to reflect changes made to the California Building Code relating to accessibility.

In FY 2014-15, the SOS requested authorization to allocate \$2,129,906 in local assistance to be used to improve accessibility of polling places through county training and polling place mitigation grants and \$200,000 for state support and grant administration.

For FY 2015-16, the SOS requested authorization to allocate \$121,337 in local assistance to be used for improving accessibility of polling places for the elderly and voters with disabilities through county training and polling place mitigation grants. Funding authorization of \$200,000 was requested for state support and grant administration.

All remaining federal grants that fund HAVA Section 261 activities expire on September 30, 2016. Existing county grants are valid until June 30, 2016, which allows for time to process county reimbursement requests before the federal funds expire. This also allows for execution of programs for the 2016 election cycle. Because of the expiring federal grants, in FY 2016-17, the SOS is requesting authorization to allocate \$50,000 for state support and grant administration, and not requesting any authorization for local assistance.

The timeline for remaining Section 261 implementation activities is as follows:

ACTIVITY/TASKS	FY	ESTIMATED COMPLETION	COMMENTS
Counties implement proposed measures, purchase required goods and services, and submit invoices for processing	15-16	June 2016	Planning and implementation for 2016 election cycle will continue through FY 15-16, invoicing to be completed by June 2016. Processing to be completed by September 2016.

VOTING SYSTEM TESTING AND APPROVAL NEEDS
HAVA REQUIRED/SECTIONS 254(a)(4) AND 301
SUPPORT

FUNDING	FY 08-09 to					TOTAL
	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	
Proposed	\$ 840,000	\$ 120,000	\$ 120,000	\$ 304,718	\$ 380,000	\$ 1,764,436
Balance	\$ 840,000	\$ 120,000	\$ 120,000	\$ 304,718	\$ 380,000	\$ 1,764,436

HAVA embodies some of the most sweeping election reforms ever enacted. The Act requires fundamental changes in the “machinery” of democracy necessary to conduct elections. One of the two most fundamental changes is found in Section 301, which requires the deployment of new voting systems to meet standards articulated in HAVA. These standards are further defined under a required update of nationwide voting system standards. Even before HAVA, fundamentally different voting systems – direct-recording electronic (DRE) voting systems – were being offered in the marketplace as an alternative to paper-based (punch card and optical scan) voting systems. HAVA accelerated the trend toward DRE voting equipment by creating an incentive program to replace paper-based voting systems, by mandating voting standards that could most easily be met with DRE equipment, by providing that one DRE unit per polling place would satisfy a new requirement to allow voters with disabilities to vote independently and confidentially, and by providing funding for replacement of paper-based voting systems.

Notwithstanding Congressional incentives and mandates that moved states and counties toward the use of DRE voting equipment, the process for testing and certification of these fundamentally different voting systems to ensure that the voting systems met the needs of voters had not yet fully adapted to the challenge. In fact, one of the requirements of HAVA was that the federal Election Assistance Commission (EAC) promulgate new voting system standards. Although this EAC task was supposed to be completed by January 1, 2004, the EAC actually promulgated those new standards on December 13, 2005. Those standards took effect on December 13, 2007. In addition, the EAC was tasked with assuming responsibility for the federal voting system testing and certification process, a responsibility it assumed in early 2007.

During this time of transition and thereafter, states have had to adapt state testing and certification processes to meet the challenge of testing fundamentally different equipment that requires a new testing regime and a different set of skills to ensure adequate government oversight. California has been one of the leaders in adapting to this new environment, instituting nationally recognized processes such as “volume testing,” which helps to ensure the quality and reliability of production models of voting systems (and not just prototypes). In 2007, California once again led the nation by providing for a top-to-bottom review of voting system using federally recommended, but untried testing methodologies. The California testing efforts have been vindicated with the discovery of voting system shortcomings and vulnerabilities that had escaped detection at the national level. And voting system vendors are attempting to respond to these shortcomings and vulnerabilities.

The successful California voting system testing and certification program has come at a price. In the months leading up to the January 1, 2006, deadline for meeting new HAVA voting system standards, as well as during 2007 leading up to the 2008 election cycle, staff resources were stretched thin by the need to provide adequate oversight. During the 2006-07 fiscal year, more than 3,400 hours of staff time was devoted to testing and certifying voting systems in response to new HAVA mandates.

Voting system requirements are still in a state of "flux." A handful of federal bills have been introduced in Congress since HAVA's enactment, some of which included immediate implementation deadlines and all of which would have fundamentally affected the conduct of elections. Many of these bills were shelved in recognition of the impact that immediate implementation of new federal requirements would have on the administration of elections. However, Congressional and state interest in these types of measures continues.

The passage of HAVA gave federal oversight to the EAC and also tasked the EAC with the responsibility to develop voluntary voting system guidelines (VVSG), to be used to test and certify voting systems at the federal level. As of January 13, 2015, the EAC was reconstituted with the appointment of three new Commissioners (out of four total) giving the EAC a quorum. The new Commissioners have been moving very quickly to implement many items that were in a stalemate for the past four years while awaiting a quorum. During the March 31, 2015, Public Meeting, the Commissioners adopted the following three items that drastically changed the testing and certification program for voting systems in the nation: 1) Voluntary Voting System Guidelines (VVSG), version 1.1; 2) Testing & Certification Program Manual, version 2.0; and 3) Voting System Test Laboratory Program Manual, Version 2.0. Additionally, on April 28, 2015, the new Commissioners reinstated the U.S. EAC Standards Board (Standards Board), created through the passage of HAVA. The Standards Board is made up of two elections officials, one State representative, one local representative, from each State and territory. A member of the Secretary of State's Office of Voting Systems Technology Assessment was appointed to the Standards Board as the State representative. The Standards Board advises the EAC on voting systems standards and closely monitors and comments on changes in EAC policies for development of standard test suites, certification of testing laboratories and testing and certification of voting systems, all of which affect California. The EAC has also reestablished the Technical Guidelines Development Committee (TGDC), who is tasked by HAVA with creating the VVSG. The newly re-established TGDC will begin drafting the next iteration of the VVSG in late 2015. It is important for California to stay abreast of VVSG developments and to actively participate in public comment opportunities on the standards. Ultimately, the state will need to be responsive to any federal changes that affect the state certification process.

Recent state legislation eliminated the federal EAC certification requirement which now tasks the Secretary of State with conducting the full certification testing previously performed at the federal level by EAC accredited Voting System Testing Laboratories (VSTLs). State law changes also set a minimum standard threshold that voting systems must meet to be the VVSG 1.1, as submitted to the EAC on August 31, 2012, until the Secretary of State formally adopts, through the regulatory process, a separate set of standards. On December 10, 2014, the Office of Administrative Law (OAL) approved Secretary of State Debra Bowen's proposed Voting System Certification regulations. The new regulations went into effect on April 1, 2015. Any new voting system applying for certification must be tested by an EAC accredited voting system testing laboratory to the new "California Voting System Standards (October 2014)".

Recent state law changes include the elimination of the requirement for federal EAC certification for voting systems in California, permits jurisdictions to conduct a pilot program for the experimental use of voting systems prior to obtaining certification by the Secretary of State, allows VMB money to be used for the research and development of voting systems and accrediting and contracting with state approved testing authorities. Elimination of EAC certification likely will result in the SOS receiving more applications because voting system vendors can now come directly to California without bearing the cost or time for EAC certification. This means the SOS will need to conduct the same (or similar) testing in lieu of the EAC and the SOS will need to provide project management to track and monitor systems that are being tested, certified and used in California.

FY 2016-17 Proposed Expenditures

\$380,000

ACTIVITY/TASKS	FY	ESTIMATED COMPLETION
Testing of new voting system hardware and software that are being brought forth by vendors for certification for use in California.	16-17	Ongoing
Testing of open or disclosed source voting systems, including the testing of hardware and software, for a pilot project that is being brought forward by a California jurisdiction for certification.	16-17	Ongoing
Testing of voting system modifications made to update, maintain and upgrade the software on existing voting systems.	16-17	Ongoing
Testing of ballot marking system hardware and software that are being brought forth by vendors for certification for use in California.	16-17	Ongoing
The approval of State-Approved Testing Agencies.	16-17	Ongoing

**COMPLIANCE WITH HAVA SECTION 301, INCLUDING ACCESSIBILITY AND
ACCESSIBLE, VOTER-VERIFIABLE PAPER AUDIT TRAIL (AVVPAT)
HAVA REQUIRED/SECTION 301
LOCAL ASSISTANCE**

FUNDING	FY 05-06 to 07-08	FY 08-09 to 11-12	FY 12-13 to 13-14	FY 14-15	FY 15-16	TOTAL
Budgeted	\$ 195,000,000					\$ 195,000,000
Fund Shift ³	\$ -	\$ 9,217,300	\$ -	\$ -	\$ 50,760,299 ^{2,3}	
Actual/Projected Expenditures ⁴	\$ 135,064,298	\$ 9,175,403	\$ -	\$ -	\$ 50,760,299	\$ 195,000,000
Balance	\$ 59,935,702 ¹	\$ 41,897	\$ -	\$ -	\$ -	\$ -

¹ Funds shifted to FY 07-08 and FY 08-09, FY 09-10, FY 11-12 and finally to FY 15-16

² Funds originally allocated to Trinity County in 07-08, were reallocated for contract with Trinity County four times. Trinity County did not sign contract due to issues within County. Authorization for funding shift requested again in FY 12-13, FY 13-14, and FY 14-15 amendment letters. After Trinity County did not sign this contract, authorization for funding shift is requested again in FY 15-16.

³ Funds shifted forward and allocated to counties in 15-16. Amount to be shifted forward is estimate based upon unexpended balances in existing 11-12 contracts. Total to be shifted may be less.

⁴ The current FY and the proposed FY are projected expenditures. Previous FYs are actual expenditures.

The Secretary of State's initial efforts to assist counties in defraying the cost of complying with new HAVA voting system requirements began on December 19, 2005. At that time, contracts were made available to counties for the purpose of reimbursing, pursuant to legislative approval, up to a cumulative total of \$195 million for the purchase of HAVA Section 301 compliant voting equipment. The contracts allowed counties to seek reimbursement for purchase or lease of voting equipment, and for expenses related to deployment of voting equipment (e.g. poll worker training and voter education). The contracts have since been renewed per legislative approval through 2015 to allow counties time to fully expend the funds.

Allocations previously provided to counties have not been fully expended for a variety of reasons, including:

- Some counties used a phased approach to Section 301 compliance, deploying compliant equipment on an interim basis with the intent to "upgrade" or replace that equipment at a future date.
- Some counties, based on "lessons learned" in the earlier election cycles planned on purchasing additional equipment or replacement equipment as systems become more reliable.
- Some counties held funds in "reserve" because of policy changes and potential policy changes at the state and/or federal level that may have affected the continued viability of voting systems as they were configured at the time.

Prior to the funding shift that occurred in 2007, SOS made numerous inquiries to counties about the status of expenditure of funds, beginning formally on March 15, 2007, and following up with calls to each county. There were difficulties, however, in pinpointing exactly how much funding counties would expend by June 30, 2007. This was due, in part, to the reasons stated above; counties were trying to develop spending plans based on unknown contingencies. At the time the 2007-08 spending plan was submitted, counties had submitted, and SOS had paid or projected claims in the amount of \$87 million, leaving an anticipated unexpended balance of \$108 million.

This figure has been updated to reflect actual expenditures of \$135 million, leaving an unexpended balance of \$59 million.

SOS requested a shift in expenditure authority in 2007-08 and 2008-09. It was not certain at the time that all remaining funding would be expended in 2007-08 and 2008-09, and the new contract end date was set at December 31, 2010, and subsequently extended to December 31, 2011.

The SOS was able to issue new contracts to counties that had a balance remaining from the original grant due to a funding shift from previous years that was authorized in FY 2011-12. Allocations were determined by existing contract balances that remained for each county at the time of the funding shift. The contracts that were renewed have funding encumbered through December 31, 2015.

To date, including all rounds of contracts, counties have submitted, and SOS had paid or projected claims in the amount of \$144 million, leaving an anticipated unexpended balance of \$51 million. Therefore, SOS requests a shift in expenditure authority in 2015-16 in an amount not to exceed \$51 million and pursuant to legislative authority previously granted to allocate up to \$195 million in total HAVA funding for this purpose. It is not certain that all funding will be expended in 2015-16, so the new contract end date will be set at December 31, 2019.

The contracts specify that the funding will only be allocated to a county on a reimbursement basis. Until counties submit a claim no funding is dispersed; however, funds allocated to the counties through contracts (and pursuant to a specified formula) are held by the State.

Section 301(a) of HAVA requires that each voting system used in a federal election on or after January 1, 2006, comply with each of the following mandates:

- 1) Must permit the voter to verify privately and independently the votes selected before casting a ballot and must permit the voter privately and independently to change or correct a ballot before it is cast, including receiving a replacement ballot.
- 2) Must notify the voter of "overvotes," i.e., if the voter has selected more candidates than permitted, before the ballot is cast, and the consequences of "overvoting." Paper ballot voting systems, such as vote-by-mail systems, may comply by means of a voter education program.
- 3) Must produce a permanent paper record with a manual audit capacity for such system.
- 4) Must be accessible to voters with disabilities, including voters with visual impairment, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters. This requirement can be met by providing at least one direct recording electronic (DRE) voting unit, or other voting device equipped for individuals with disabilities, at each polling place. Pursuant to Elections Code section 19250, (Statutes of 2004, Chapter 814-SB 1438), all DREs must, beginning January 1, 2006, include an accessible, voter-verifiable paper audit trail (AVVPAT). If the DRE does not already include an AVVPAT, the voting system must be replaced or modified to include an AVVPAT.
- 5) Must meet all the requirements of alternative language access pursuant to the Voting Rights Act of 1965, as amended.

HAVA requires every county in California to make changes with respect to the voting system

used to conduct federal elections.

The \$195 million allocation made available for compliance with Section 301 was distributed to counties, after a lengthy consultation process with local election officials and county representatives, as follows:

County	Total County Allocation	FY 2007-08 Re-Allocation	FY 2011-12 Re-Allocation³	Remaining Balance (As of June 30, 2015)
Alameda	\$8,779,361	\$0	\$0	\$0
Alpine	8,115	0	0	0
Amador	335,364	102,868.93	0	0
Butte	1,469,906	461,170.15	286,308.27	5,707.59
Calaveras	319,549	221,614.53	166,461.15	143,511.15
Colusa	121,293	0	0	0
Contra Costa	6,736,390	871,742.50	565,866.87	565,866.87
Del Norte	164,420	0	0	0
El Dorado	1,095,675	504,124.45	403,275.82	221,918.88
Fresno	4,266,078	2,698,782.61	1,862,610.40	1,798,762.16
Glenn	180,968	0	0	0
Humboldt	986,045	610,768.32	204,357.32	204,357.32
Imperial	653,218	653,218.33	427,807.16	406,273.53
Inyo	158,388	0	0	0
Kern	3,401,866	2,925,943.00	2,197,541.28	2,197,541.28
Kings	581,008	0	0	0
Lake	417,321	166,908.82	158,908.82	158,908.82
Lassen	207,796	132,861.64	132,861.64	132,861.64
Los Angeles	49,636,590	35,116,139.30	27,928,920.06	22,256,845.06
Madera	642,095	399,126.87	399,126.87	399,126.87
Marin	1,879,587	1,207,484.66	1,207,484.66	1,202,353.12
Mariposa	145,591	0	0	0
Mendocino	620,445	608,421.37	608,421.37	608,421.37
Merced	1,056,294	0	0	0
Modoc	76,314	0	0	0
Mono	91,999	6,861.92	0	0
Monterey	1,991,025	389,220.17	326,196.39	326,196.39
Napa	891,111	21,744.94	0	0
Nevada	866,431	565,493.11	0	0
Orange	16,782,377	3,841,614.23	0	0
Placer ¹	2,015,871	127,965.12	127,965.12	22,723.12
Plumas	176,140	151,162.84	151,162.84	151,162.84
Riverside	7,509,478	0	0	0
Sacramento	7,721,635	4,968,581.51	2,664,916.54	1,243,285.23
San Benito	303,222	0	0	0
San Bernardino	7,995,028	2,128,484.66	0	0
San Diego	16,726,147	9,859,594.57	8,712,043.76	8,067,077.40
San Francisco ¹	5,742,340	1,950,234.60	0	0

San Joaquin	3,279,407	1,935,687.97	1,610,659.07	1,610,659.07
San Luis Obispo	1,690,189	1,224,103.36	1,118,616.07	1,069,115.24
San Mateo	4,569,942	648,649.00	0	0
Santa Barbara	2,749,794	2,248,555.99	2,005,312.93	2,005,312.93
Santa Clara	9,503,396	1,923,702.15	0	0
Santa Cruz	1,698,328	623,332.69	307,986.43	142,694.50
Shasta	1,156,557	504,546.62	504,546.62	504,546.62
Sierra	43,825	14,474.78	14,474.78	14,474.78
Siskiyou	368,247	159,886.56	74,166.37	43,079.47
Solano	2,297,314	1,169,365.37	959,111.99	959,111.99
Sonoma	3,269,774	1,493,370.91	523,117.89	483,548.59
Stanislaus	2,438,813	1,764,745.17	1,364,884.47	1,076,225.64
Sutter	497,078	0	0	0
Tehama	386,407	0	0	0
Trinity ²	117,825	0	41,896.75	41,896.75
Tulare	1,768,204	255,043.38	206,058.29	0
Tuolumne	410,726	0	0	0
Ventura	4,576,270	2,848,507.20	2,672,633.26	2,654,835.93
Yolo	1,085,882	160,954.85	0	0
Yuba	339,538	0	0	0
Total	\$195,000,000	\$87,708,955.90	\$59,935,701.94	\$50,718,402.15

¹Original amount was re-allocated for contract in 06-07.

²Reallocation of funds for new contract with Trinity County is requested in FY 15-16.

³Actual amount of issued contracts.

VOTER EDUCATION DEVELOPMENT AND DISSEMINATION
HAVA REQUIRED/SECTION 302
SUPPORT

FUNDING	FY 05-06 to					
	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	TOTAL
Budgeted	\$ 3,484,000	\$ 500,000	\$ 500,000	\$ 500,000		\$ 4,984,000
Proposed					\$ 500,000	\$ 500,000
Actual/Projected						
Expenditures ¹	\$ 3,348,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 5,348,000
Balance	\$ 136,000	\$ 0	\$ 0	\$ 0	\$ 0	\$ 136,000

¹The current FY and the proposed FY are projected expenditures. Previous FYs are actual expenditures.

HAVA created new responsibilities for the state’s election officials. As the chief election officer for California, the Secretary of State is responsible for overseeing the implementation of HAVA, including requirements to ensure that voters receive information about voting rights, provisional voting, and how to use new voting equipment. It is critically important that voters be informed on the proper use of voting equipment to ensure that ballots are properly cast in order for the ballots to be counted.

To ensure voter familiarity with requirements and rights, voter education efforts need to continue on an ongoing basis. Voter education costs include production and dissemination of printed materials, voter outreach costs, costs to support organization and community group interactions (e.g. posting materials to websites), production of multimedia educational materials, translation of materials, and printing the Voter Bill of Rights for statewide use.

The recent changes in approved voting systems for use in California require additional voter education to protect against “overvoting” (i.e. the possibility that a voter may mismark an optical scan ballot by voting for more than one candidate or voting both ‘yes’ and ‘no’ on a ballot measure).

Prior to the November 2012 General Election, the new on-line voter registration application system was developed to allow military and overseas voters, as well as those in California, to complete and submit a voter registration application online. If the voter has a California driver license or California identification card, their digital signature is on file with the Department of Motor Vehicles and can be retrieved and included in the voter registration database, eliminating the need for the voter to mail in a hard copy of the voter registration form.

As indicated, notwithstanding new requirements, voter education efforts are also cyclical in nature. Although elections officials gain practical knowledge and valuable experience in conducting voter education and outreach programs for each election, there are always “new” voters that must be informed about the electoral process as new voters register, and because turnout varies from election to election. For this reason, familiarity with the processes and procedures is only established over time.

FY 2016-17 Proposed Expenditures

November 2016 Election Voter Education & Outreach

Voter Education Materials

Voter Bill of Rights Posters (English/Other Languages) \$20,000

Design/Printing Pamphlets, Brochures, and Posters \$70,000

Develop and print voter education materials including information about voter registration requirements, first-time voter requirements, accessible voting and accessible voting equipment, undervote/overvotes, rights for voters who do not choose a political party, rights of military and overseas voters, etc. Materials to be distributed to community groups, county elections officials, colleges, general public, etc.

Mailing/Distribution \$20,000

Mailing/distributing materials to community groups, statewide and local organizations, colleges, etc. (Includes postage and staff costs; initial contact, updating contact list, and packaging.) Build upon social network distribution methods and strategies.

Voter Education Partnerships

Partnership Programs \$60,000

Continue to further develop and implement partnership programs and activities, (i.e. create a partner "tool-kit," promote use of "MyVote" and "New Voters" election information web site button, etc.) to educate voters. Engaging in partnerships with various organizations such as business organizations, community organizations, disability rights organizations, local government agencies, other language voter outreach organizations, youth organizations, military and overseas voter organizations, etc. is essential to reaching a wide audience in California to educate voters about HAVA.

Voter Education Consultant Services

Translation Services \$75,000

Update and expand availability of translated materials for limited English-speaking voters. This would include producing video/audio recordings in languages other than English for other language groups who rely more on oral communication than written languages. Targeted languages: Chinese, Japanese, Korean, Spanish, Tagalog, Khmer, Thai, Hindi, and Vietnamese.

Video production and delivery (website, DVD, other venues) \$85,000

Develop informational videos about different, fully accessible voting equipment to inform voters of undervotes, overvotes, or other "mistakes" on their ballot before it is cast. In addition, develop informational videos for first-time or new voters, as well as an American Sign Language video for voters who are hearing impaired. The entire process of becoming a voter, from filling out the voter registration application to casting a ballot on unfamiliar equipment, is daunting to many first-time or new voters. This video is will be key to help people become familiar with the steps to becoming a registered voter and participating in elections.

Advertising

Newspaper Advertising (including online newspapers) \$30,000

Target college newspapers, ethnic and minority newspapers, and newspapers in areas with low propensity voters in order to reach people and provide them with important information about HAVA, rights of no party preference voters, etc. Information to also include the Secretary of State's website address and toll-free voter hotline so that voters can obtain further information about HAVA requirements.

Military and Overseas Voter Education \$50,000

Voter outreach to military and overseas voters to inform them of the availability of election information on-line, including the on-line voter registration application, how to request a vote-by-mail ballot, how to contact their local election officials, how to return their voted ballot, deadlines for submitting various forms, and their voting rights.

Youth Voter Education \$90,000

Activities to include planning and preparation of student mock elections, develop and print educational materials for youth voters that would be used in voter registration drives, recruitment of poll workers, and information about voting rights when recruiting voters on high school or college campuses. This information would be tailored to student needs, i.e. student ID cards being among the accepted forms of identification when voting and importance of having students serve as volunteer poll workers.

Estimated Total for FY 2016-17

\$500,000

ACTIVITY/TASKS	FY	ESTIMATED COMPLETION
Create and design voter education materials and advertising	16-17	July 16 – June 17
Continue with community partnership activities, distribute printed materials, hold voter outreach events, place advertising, update web sites, etc.		July 16 – June 17
Update/design voter education materials (including expanding translation) and advertising		July 16 – June 17
Continue to create concepts and contract for informational videos about accessible voting equipment; implement video production and delivery (website, DVD, other venues)		July 16 – June 17
Continue development and implementation partnership program and activities, including creating "tool-kit," update web sites, distribute printed materials through partners, participate in voter education events, place advertising, etc.		July 16 – June 17
Continue redesign and update of Secretary of State's Voter Education and Outreach website in light of additional Federal requirements to include updated election information; develop materials for use with social networking Internet sites.		July 16 – June 17
Mailing – voter education materials to interest groups statewide		July 16 – June 17
Ongoing student mock election planning, develop and print education materials for young voters (voting rights, recruitment of poll workers, etc.) and follow-up survey		July 16 – June 17

HAVA STATEWIDE DATABASE/VOTECAL STATEWIDE VOTER REGISTRATION SYSTEM

HAVA REQUIRED/SECTION 303

Section 303 of HAVA, requires reforms in elections for federal office, including a requirement that states set up and maintain a computerized statewide voter registration list containing the name and registration information of every legally registered voter in the State. The law also requires that a unique identification number be assigned to each voter on the registration list. This statewide list must be the official list of all registered voters for federal elections and must be connected with other state agency databases to assist state and local election officials in keeping an accurate and up-to-date list. It must serve as the single system for storing and managing the official list of registered voters in the State. For most states, including California, the voter registration list requirement took effect on January 1, 2006.

The state system must also provide a functional interface for counties, which are charged with the actual conduct of elections, to access and update the registration data. Additionally, HAVA mandates that the state voter registration system coordinate electronically with the Department of Motor Vehicles (DMV), the Department of Health Services (DHS), and the Department of Corrections and Rehabilitation (DCR) for identification and list maintenance purposes.

Interim Solution Funding – Support

Funding	FY 05-06	FY 13-14	FY 14-15	FY 15-16	FY 16-17	TOTAL
	to FY 12-13					
Budgeted	\$2,129,419	\$ 400,000	\$ 450,000	\$ 450,000		\$3,429,419
Proposed	\$2,546,932 ¹	\$ 29,000 ¹	\$ 29,000 ¹	\$ 0	\$ 450,000	\$3,054,932
Actual/Projected Expenditures ²	\$4,475,737	\$ 429,000	\$ 450,000	\$ 450,000	\$ 450,000	\$6,254,737
Balance	\$ 200,614	\$ -	\$ -	\$ -	\$ -	\$ 200,614

¹ Additional funding requested in amendment letters

² The current FY and the proposed FY are projected expenditures. Previous FYs are actual expenditures.

On or about January 2005, SOS requested an opinion from the United States Department of Justice (US DOJ), the enforcement authority for the Help America Vote Act of 2002 (HAVA), regarding its plans to meet the requirements of HAVA Section 303, in accordance with a mandated January 1, 2006, deadline. HAVA Section 303 requires states to establish “a single, uniform, official, centralized, interactive computerized statewide voter registration list that contains the name and registration information of every legally registered voter in the state...” Shortly thereafter, then-Secretary of State Kevin Shelley resigned, and discussions with the US DOJ were “suspended” pending the appointment by the Governor of a Secretary of State to fill the vacancy created by Shelley’s resignation. Following the appointment and legislative confirmation of Bruce McPherson as Secretary of State (on March 30, 2005) and further discussions with the US DOJ in April 2005, the US DOJ informed the Secretary of State in a letter on May 25, 2005, that plans articulated by the state to comply with HAVA Section 303 were inadequate and that the US DOJ would take enforcement action, if necessary, to force compliance.

Thereafter, SOS and US DOJ entered into discussions about what possible actions – technological and procedural – could be undertaken by SOS to make progress toward meeting HAVA Section 303 requirements. Those discussions culminated in the execution of a Memorandum of Agreement (MOA) on November 2, 2005, whereby SOS agreed to put in place technological and procedural improvements to an existing statewide system that had been used previously to assist local jurisdictions with list maintenance activities (i.e. duplicate checking) called CalVoter that would put in place much of the functionality required by HAVA Section 303. In turn, the US DOJ agreed not to take enforcement action against the State of California, so long as the state complied with the terms of the MOA. The MOA further required the State of California to pursue a long-term solution (called the VoteCal project) to meet all of the HAVA Section 303 requirements. The technological and procedural improvements made by SOS to the CalVoter system were recognized in the MOA as “interim compliance” by the US DOJ to distinguish this “phase” of compliance from the long-term, final compliance represented by the VoteCal project.

The CalVoter system, as currently configured and operated, is a compliance “bridge” to the VoteCal project, which is being actively pursued to fully comply with HAVA Section 303 requirements. Therefore, SOS will need to continue operation and maintenance of the CalVoter system while it pursues completion of the VoteCal project.

Maintenance costs include verifying the identity of the registrant by matching the information on the voter registration card with the voter’s California driver’s license, ID card, or their Social Security number. If the voter does not have a California license, ID card, or a matching Social Security number cannot be found, the voter is issued a unique ID number in the CalVoter system. Other maintenance costs include monthly updates of both residence and mailing addresses of all registered voters, and verification that the voter is not a convicted felon in prison or serving time on parole, is not deceased, and has not been declared legally incompetent. These maintenance costs have increased in the past three years due to increased frequency of address verifications required by the post office in order to receive reduced rate postage privileges. Additional maintenance costs will be added in the coming years to include service charges for signature retrieval from DMV files to accommodate on-line voter registration.

INTERIM SOLUTION-ACTIVITY/TASKS	FY	ESTIMATED COMPLETION	COMMENTS
Awarded consultant contracts for programming, ad hoc reporting, and interfaces with counties	05-06	Nov 05	Complete
Coordinate with counties to identify inactives, additional data elements		Jan 07	Complete
Modify data standards, validate data			Complete
Develop/negotiate/sign MOU/IAA with DMV, CDCR, DHS, and SSA for confirmations and interfaces of voters		Nov 05	Complete
Obtain NCOA system, install, and integrate system for address changes		Feb 06	Complete
Program, test, and implement interfaces		Dec 05	Complete
Ongoing for MOU/IAA and consultants until VoteCal is fully implemented	06-16	Nov 2016	

VoteCal Project Funding – Support
Special Project Report #5 approved January 10, 2013

Funding	FY 06-07 to 11-12	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	TOTAL
Project Funding	\$ 11,194,751	\$ 2,725,516	\$ 11,866,546 ²	\$ 12,824,790 ²	\$ 34,194,345	\$ 4,483,258	\$ 77,289,206
Redirected Staff	\$ 1,124,638	\$ 59,507	\$ 220,307	\$ 281,164	\$ 143,782	\$ 854,807	\$ 2,684,205
Total ¹	\$ 12,319,390	\$ 2,785,023	\$ 12,086,853	\$ 13,105,954	\$ 34,338,127	\$ 5,338,065	\$ 79,973,412

¹ The current FY and the proposed FY are projected expenditures. Previous FYs are actual expenditures.

² Approved FY14-15 BCP Amendment shift of unexpended \$6,916,725 from FY 13-14 into FY 14-15 is reflected.

A Feasibility Study Report (FSR) was issued for the statewide voter registration database project (VoteCal) in October 2004, in July 2005 and again in March 2006. The VoteCal project was approved by the Department of Finance on January 12, 2006, and submitted to the Joint Legislative Budget Committee (JLBC) on January 27, 2006, for its review and approval. Based on the JLBC recommendations in a March 1, 2006, letter and further discussions with DOF, the VoteCal project FSR was revised and resubmitted to DOF on March 20, 2006.

The VoteCal RFP was issued on December 13, 2007. A solution-based procurement process, as provided for in state law, was used for the project. Under the auspices of this process, potential bidders notified SOS by December 31, 2007 of the intent to bid on the project and thereafter engaged in a series of discussions with Secretary of State staff under the direction of Department of General Services personnel in preparation for submission of a bid. During this process, in response to bidder questions and to clarify the RFP, addenda were adopted. The final addendum to the RFP was adopted on December 31, 2008, and a deadline for submission of bids was set for January 29, 2009. Cost opening for the bids occurred on March 26, 2009. A Notice of Intent to Award a contract was issued on April 24, 2009. A May 1, 2009, deadline for bid protests passed without a protest being received. Work on a Special Project Report (SPR) describing the project in greater detail based upon the winning bid was completed and the SPR provided to state control agencies, including the Department of Finance and Office of the Chief Information Officer on June 23, 2009. An amended Spending Plan requesting expenditure authority for VoteCal costs for the fiscal year 2009-10 was received by the Legislature from the Department of Finance on August 6, 2009, and approved by the Legislature on August 25, 2009.

SOS signed a contract with a system integration (SI) vendor (Catalyst Consulting Group, Inc. – Catalyst) on September 9, 2009. Work began immediately and the Planning Phase was completed on December 11, 2009. On April 19, 2010, SOS determined that Catalyst failed to provide the contractually required performance bond. The two parties mutually agreed on May 21, 2010, to terminate the contract.

On October 19, 2012, the SOS submitted SPR # 4 to the California Technology Agency, requesting approval for the revised budget and schedule associated with the new SI contract. SPR #4 was approved November 21, 2012. SOS developed contracts with vendors representing the two Election Management Systems (EMSs) supporting California's counties to provide the EMS remediation services required to modify their respective EMSs to serve as the "front end" for VoteCal in late November 2012 and submitted SPR #5 reflecting the revised costs associated with those contracts on November 27th.

SPR #5 was approved on January 10, 2013. The SOS completed the solution-based procurement and awarded the SI contract to CGI Technologies and Solutions Inc. (CGI) on March 6, 2013, to develop VoteCal. Additionally, the SOS successfully executed contracts with the two EMS vendors, DFM and DIMS, to remediate existing EMSs to serve as the “front-end” for California’s new statewide voter registration database.

The VoteCal solution has seven project phases: Phase I – Planning, Phase II – Design, Phase III – Development, Phase IV – Testing, Phase V – Pilot, Phase VI – Deployment, and Phase VII – Maintenance and Operation. All Phase I deliverables and activities were completed in October 2013, Phase II design was completed September 2014 and Phase III development activities were completed March 2014. Phase IV Testing activities are in progress and on track to be completed August 2015.

The VoteCal Project continues to be executed within the cost structure as approved in SPR #5 and full deployment is on schedule to be deployed in June 2016.

A separate BCP will be submitted for the VoteCal Project.

ACTIVITY/TASKS	FY	ESTIMATED COMPLETION	COMMENTS
Revise spending plan and FSR	05-06	Apr/May 06	Complete
FSR to Leg. and Leg. approval		May/Jun 06	Complete
Hire system contract manager	06-07	July 2006	Complete
Redirected IT staff to maintain existing CalVoter system and interim solutions with counties, DMV, SSA, CCR, DPH		Ongoing	
Bid/Award oversight consultant, project manager, IV&V consultants		Aug 2006	Complete
Bid/Award for consultant to assist SOS with VoteCal bid proposal		Oct 2006	Complete
Begin procurement/develop/issue RFP and bid for integration contractor	07-08	Oct 2007	Complete
Evaluate bids for integration contractor	08-09	May 2009	Complete
Submit SPR for review		June 2009	Complete
Issue contracts for system integrator and other contract services	09-10	Aug/Sept 2009	Complete
Contract with original system integrator terminated May 2010, submit new SPR, develop and issue new RFP	10-11	Aug 2010	Complete
Complete evaluation and selection process for the new system integration contractor	12-13	Oct 12, 2012	Complete
Submit SPR for control agencies review and approval	12-13	Oct 19, 2012	Complete
SPR approved by control agencies	12-13	Jan 10, 2013	Complete
System Integrator contract awarded	12-13	Mar 06, 2013	Complete
EMS Remediation contracts awarded	12-13	April 19, 2013	Complete
Project Kick-Off	12-13	April 19, 2013	Complete

Project Planning	13-14	October 2013	Complete
Design Activities	14-15	Sept 2014	Complete
Development Activities	14-15	June 2015	Complete
Testing Activities	15-16	August 2015	In Progress
VoteCal Pilot	15-16	October 2015	In Progress
VoteCal Deployment	15-16	June 2016	In Progress
VoteCal Maintenance and Operations	16-17	June 2017	In Progress

ADMINISTRATION

HAVA ALLOWABLE/SECTION 101, 251 and 261 (see also Section 253 and 255)

SUPPORT

FUNDING	FY 02-03 to						TOTAL
	FY 11-12	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	
Budgeted	\$14,272,000	\$ 1,605,000	\$ 1,614,000	\$ 1,605,000	\$ 1,605,000		\$ 20,701,000
Proposed - New						\$ 1,605,000	\$ 1,605,000
Actual/Projected Expenditures ¹	\$14,272,000	\$ 1,605,000	\$ 1,614,000	\$ 1,605,000	\$ 1,605,000	\$ 1,605,000	\$ 22,306,000
Balance	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	0

¹The current FY and the proposed FY are projected expenditures. Previous FYs are actual expenditures.

HAVA management and administrative tasks related to overseeing, managing, and administering HAVA programs at SOS are essential to ensure compliance with HAVA requirements and federal accounting and auditing requirements. These activities include: research and oversight related to developing and implementing policy, processes, and procedures for implementation, including the development of state law or amendments to state law and regulations or amendments to regulations, for the purpose of meeting HAVA requirements; oversight and administration of developing and implementing procedures and practices necessary to ensure compliance with all applicable federal and state law, regulation, or practices and procedures deriving authority from federal and state law for the purpose of securing services, contracting for services, providing grants, or otherwise funding projects, programs, procedures, and processes necessary to meet HAVA requirements; oversight and administration of all practices and procedures necessary to comply with inventory control, budgeting, fiscal, and accounting requirements necessary to meet all state and federal standards; responding to questions from representatives from state and federal agencies, including, but not limited to, the Bureau of State Audits, the EAC, US DOJ, DHHS, GSA, and the General Accounting Office; developing and implementing procedures and practices necessary to address deficiencies identified in state or federal audit reports; work related to providing federal and state representatives with information necessary and appropriate relating to HAVA, including, but not limited to, the EAC, or its agents, US DOJ, DHHS, GSA, Congress and the State Legislature or its agents, the Bureau of State Audits, the Governor, the Department of Finance, the public, or groups representing the public; and overseeing and facilitating communications with appropriate public and private representatives, including federal officials, state officials, county election officials, representatives from advocacy groups, and members of the public.

During FY 2016-17, SOS will need PYs made up of hours charged by various positions throughout the Agency for overseeing, managing, and administering all activities in the Spending Plan. These are not whole redirected positions, but rather hours charged by staff that work on HAVA activities. PY equivalents were calculated for display purposes by converting anticipated hours by HAVA activity to a PY equivalent. SOS will incur indirect costs including: personal services costs of administrative, supervisory, and executive staff; personal services costs of support units, including accounting, internal audits, legal, information technology, clerical support, etc; and operating expenses and equipment costs not directly specific to a cost objective. The following is a summary of management and administrative tasks to be carried out by SOS staff. The same individuals will be involved in overseeing the development and implementation

of statewide programs intended to supplement and enhance county programs directed at poll worker training and voter education.

Deputy Secretary of State, HAVA Activities (Exempt)

Oversee and administer implementation of procedures and practices necessary to ensure compliance with all applicable federal and state law and regulation or practices and procedures deriving authority from federal and state law for the purpose of securing services, contracting for services, providing grants or otherwise funding projects, programs, procedures and processes necessary to meet HAVA requirements.

This position responds to questions from representatives from state and federal agencies, including, but not limited to, the Bureau of State Audits (BSA), the Election Assistance Commission (EAC), US Department of Justice (USDOJ), the Department of Health and Human Services (HHS), and the Government Accountability Office (GAO).

Facilitate communications with appropriate public and private representatives, including federal officials, state officials, county election officials, representatives from advocacy groups, and members of the public on HAVA issues relating to appropriate expenditures, policies, and procedures. This includes developing responses to federal and state control agencies and federal and state audits and initiating requests for information to federal officials on appropriate use of HAVA funds.

Federal Reporting (Accounting Officer)

Maintain accurate records for all collections and expenditures requiring the use of federal funds; assist with the development of the Indirect Cost Rate and the SWCAP rate for the federal fund; reconcile federal expenditures with the accounting system and State Controller's Office's report; analyze and prepare the federal quarterly reports; respond to federal audits and act as the primary contact for most federal accounting reporting issues to the federal government; and work closely with federal control agencies, Deputy Secretary Of State, HAVA Activities, and consultants in the analysis and tracking of federal expenditures.

Legal Counsel (Chief Counsel and Election Staff Counsels)

Research all legal issues, develop opinions, and advise executive and management staff on policy, processes, and procedures for implementation, including the development of state law or amendments to state law and regulations or amendments to regulations, for the purpose of meeting HAVA requirements; oversee and administer the development and implementation of procedures and practices necessary to ensure compliance with all applicable federal and state laws; and respond to questions related to appropriate use of HAVA funds.

Communication & Projects (CEA Level)

As spokesperson for the SOS on HAVA related issues, communicates through all media forms with appropriate public and private representatives, including federal officials, state officials, county election officials, representatives from advocacy groups, and members of the public. This includes drafting press releases, conducting media interviews, and responding to requests for information. This position also coordinates HAVA-related groups including the Voting Accessibility Advisory Committee (VAAC), the consortium of states that have voter verified paper audit trail requirements and a national committee examining a coordinated research and development effort for voting systems.

CEA and Manager Levels

Provide federal and state representatives with information and respond to questions related to necessary and appropriate use of HAVA funds, including, but not limited to, the EAC or its agents, USDOJ, HHS, GAO, Congress and the State Legislature or its agents, the BSA, the Governor, the Department of Finance (DOF), Legislature, Legislative Analysts Office (LAO), the public, and/or groups representing the public.

Develop and implement procedures and practices necessary to address deficiencies identified in state or federal audit reports and administer procedures necessary to comply with budgeting, fiscal, and accounting requirements necessary to meet all state and federal standards.

Election Specialist, AGPA, SSA and Office Technician levels

Review and communicate with county officials on projects/activities contract terms; review and approve claims/invoices to ensure compliance with contract terms, federal, and state requirements; prepare verbal and written correspondence to counties on status of claims; and track and report monthly program expenditures.

Administration in Contracts/Budget/Accounting/Personnel/Training (Analyst Level)

Research, prepare, and draft contracts language for HAVA activities and projects; review overall monthly expenditures; draft expenditure and compliance reports, spending plans, quarterly reports, and indirect cost rate proposals; draft budget change proposals (BCP) and coordinate program and management responses to BCP questions from LAO, legislative consultants, and DOF; sort, route, and pay invoices on contracts, purchases, and grants; prepare financial statements; process personnel and payroll transactions; design and assemble HAVA reports for management and the public; coordinate timesheet activities; and provide clerical office support.

The following tables summarize Personal Services and Operating Expense and Equipment (OEE) needs:

Personal Services

Classification	(A) Estimated PY (Timesheet hours)	(B) Monthly Salary	(C) Monthly Benefits	(B+C) x A x 12 Annual Costs
Deputy Secretary of State, HAVA Activities	1.00	\$10,000	\$4,663	\$175,956
Accounting Officer	1.25	4,341	1,693	90,510
Chief Counsel, Staff Counsel	0.25	11,400	5,227	49,881
CEA Level Staff	0.25	8,330	3,247	34,730
Staff Services Manager II	0.20	6,727	2,622	22,437
Staff Services Manager I	0.25	6,127	2,388	25,545
Elections Specialist	1.00	5,874	2,289	97,956
Associate Gov Program Analyst	1.00	5,348	2,084	89,184
Staff Services Analyst	0.25	4,446	1,733	18,536
Total	5.45	\$62,593	\$25,946	\$604,738

Operating Expenses and Equipment:

During FY 2016-17, the SOS will be expending an estimated \$1,000,000 in OEE on HAVA administration. These expenses include: statewide general administrative costs (\$300,000);

standard operating expense associated with PYs (\$70,000); student interns providing clerical support and researching and gathering information for management at \$1,000/month (over 10 months for a total of \$10,000); printing of publications in English and various minority languages (\$24,000); annual update and monthly ongoing services of the toll-free telephone hotline for reporting voting fraud and voting rights violations (\$65,000); statewide programs to enhance poll worker training (\$105,000), miscellaneous travel, postage and DGS charges (\$20,000); and recovery of other costs associated with providing goods and services to implement HAVA through establishment of an indirect cost rate proposal (\$400,000).

Operating Expenses & Equipment

Contracts / OE/EP	Estimated Expenditures
Standard OE Complement	70,000
Student Internships	10,000
Out of State Travel	6,000
Publications	24,000
Statewide Programs to enhance county poll worker training programs	105,000
Election Voter Hotline	65,000
In State Travel; Postage; DGS Charges	20,000
Indirect Cost Recovery (ICRP)	400,000
SWCAP	300,000
Total	\$1,000,000

Given the continuing workload to implement HAVA and allowing for the general salary, retirement, and Statewide Cost Allocation Plan (SWCAP), HAVA administration activities have not decreased as rapidly as originally anticipated. Counties have not expended funds as budgeted, and the statewide database project development has experienced some delays. Consequently, administration activities will be incurred until all HAVA funds are expended, the VoteCal project is fully deployed, and the county contracts are fully expensed.

PERFORMANCE MEASURES (PREVIOUSLY TITLED POLL WORKER TRAINING AND ELECTION PERFORMANCE ASSESSMENT)

HAVA ALLOWABLE/SECTION 254(a)(8)

SUPPORT

FUNDING	Training Assessment & Performance					TOTAL
	Survey FY 09-10 to 12-13	Performance Survey FY 13-14	Performance Survey FY 14-15	Performance Survey FY 15-16	Performance Survey FY 16-17	
Budgeted	\$ 785,000	\$ 100,000	\$ 100,000	\$ 100,000		\$ 1,085,000
Proposed - New					\$ 100,000	\$ 100,000
Actual/Projected Expenditures ¹	\$ 188,768	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 588,768
Balance	\$ 596,232	\$ 0	\$ 0	\$ 0	\$ 0	\$ 596,232

¹The current FY and the proposed FY are projected expenditures. Previous FYs are actual expenditures.

Section 254(a)(8) of HAVA requires that each state adopt performance goals and measures to determine the success of the state and counties in carrying out goals adopted in the required HAVA State Plan and for compliance with HAVA requirements. One of the primary objectives repeated throughout HAVA is to improve the administration of elections, including fostering uniformity in the administration of elections, complying with requirements of Title III, educating voters, training election officials and poll workers, and improving accessibility to the voting process for persons with disabilities, and also for individuals with limited proficiency in the English language by incorporating by reference into HAVA the Voting Rights Act of 1965.

In the 2006 and 2008 election cycles, the SOS used the Election Observation and the Poll Worker Observation programs to provide feedback to state and county officials regarding the level of success in meeting HAVA requirements; the apparent effectiveness or shortcomings of voter education and poll worker training programs (as evidenced by how voters and poll workers performed their prescribed roles on election day); and on what measures could be taken by counties to improve the election process. Those programs, though limited in scope, were effective in providing a snapshot to measure county compliance with HAVA requirements and to measure whether poll workers and voters appeared to be comfortable with newly implemented voting equipment and electoral processes.

Now that the basic HAVA requirements have been implemented at the polling places, it is helpful to elections officials at both state and county levels to look more closely at how to improve the election process for both voters and poll workers. It is also important to monitor continuous compliance not only to ensure continued adherence to HAVA mandates, but also because new voters and new poll workers are introduced to the electoral process with every election cycle; for these voters and poll workers, the process is new, and they must be informed and educated about electoral processes and voting rights. By studying the process, and collecting data by surveying the counties and voters, following statewide elections in the 2010, 2012, and 2014 election cycles, SOS has been able to acquire information to provide a baseline of existing practices as well as possible issues to be addressed by programs that improve poll worker

training and voter education programs. Observation results in the 2014 election cycle provided valuable insight into how the counties adopted new SOS guidelines on polling place accessibility. Whereas in the 2006 election cycle many counties were barely aware of accessibility issues, observers sent out during the 2012 election cycle noticed a marked improvement in this area. Along with the publication of revised SOS Polling Place Accessibility Guidelines in 2014, SOS sponsored a series of training classes for county elections officials and staff on how to assess polling places for accessibility. The SOS then used grant funds available through DHHS (EAID funding) to pay for survey equipment, some survey staff time, and equipment and supplies for polling place modifications to ensure compliance. Additional training classes and county grants are scheduled for FY 2016-17, and observation programs are scheduled for the November 2016 election to assess the effectiveness of these programs.

Activities	FY
Review observation results from FY 15-16 & 16-17	16-17
Coordinate and conduct observation	16-17
Post results on web page	16-17

FUND BALANCE

It is estimated that the unexpended balance after implementation of VoteCal in FY 16-17 will be \$38,893,337. This estimate assumes that there will not be any project over runs or unexpected project costs. The unexpended balance may be used to support future fiscal years' on-going costs of complying with the continuing federal mandates including maintenance and operation of the VoteCal system and voter registration list maintenance. It cannot be expended without budgetary authorization, and can be used solely for HAVA-related needs.

APPENDIX A

Many HAVA requirements have been completed. This Appendix contains historical spending plan detail information on completed HAVA activities for reference.

HAVA Historical Spending Total Amount Spent

Activity	Amount	HAVA Citation
HAVA Activities		
Punch Card Replacement	\$ 57,322,706	HAVA Required – Section 102
Parallel Monitoring	\$ 579,147	HAVA Allowable – Sections 253 & 301
Adherence to HAVA Voting System's Guidelines and Processes	\$ 200,000	HAVA Required – Sections 254(a)(4) & 301
Post-Election Audit Program	\$ 230,000	HAVA Research Grant – Section 271
Top to Bottom Review	\$ 760,000	HAVA Allowable – Section 301
Interim Solution – County Retrofit Funding	\$ 3,140,453	HAVA Required – Section 303
Interim Solution – Migration of Sequoia EMS	\$ 282,000	HAVA Required – Section 303
Registration Application	\$ 477,000	HAVA Required – Sections 303(4)(A) & 303 (5)(A)
Poll Monitoring	\$ 186,491	HAVA Allowable – Section 305
Historical Spending Total Amount	\$ 63,177,797	

PUNCHCARD REPLACEMENT
HAVA REQUIRED/SECTION 102
LOCAL ASSISTANCE

FUNDING	FY 03-04	FY 04-05	FY 05-06	TOTAL
Budgeted	\$ 54,638,049	\$ 1,580,149	\$ 1,104,508	\$ 57,322,706
Actual Expenditures	\$ 54,638,049	\$ 1,580,149	\$ 1,104,508	\$ 57,322,706
Balance	\$ -	\$ -	\$ -	\$ -

ACTIVITY/Tasks	FY	ESTIMATED COMPLETION	COMMENTS
Process reimbursement claims	05-06	Jun 06	Activity complete
Notify counties of deficiencies			
Submit to SCO for payment			

In June of 2003, SOS received \$57,322,707 to implement Section 102 of the Help America Vote Act of 2002 (HAVA) (Public Law 107-22, 107th Congress). Section 102 of HAVA required the State to commit funds provided under this section through a legally enforceable agreement, such as a contract with counties, to replace punch card voting systems or lever voting systems in time for the first federal election of 2006. If the State failed to commit funds by that deadline, any unused funds would revert to the federal Election Assistance Commission (EAC) for its use to make requirement payments to other states (see Section 104 (c)).

The State (and counties) met the obligations by the deadline prescribed by HAVA. Punch card voting systems previously in use have been replaced using these funds, and a final certification on expenditure of funds was issued to the EAC on November 15, 2006.

The following table reflects the allocation and disbursement of Section 102 funds to counties.

County	HAVA 102 Allotment	HAVA 102 Contracts
Alameda	\$3,575,287.18	\$3,575,287.18
Alpine	15,961.10	15,961.10
Calaveras	114,919.94	114,919.94
Colusa	57,459.97	57,459.97
Del Norte	57,459.97	57,459.97
El Dorado	663,981.90	663,981.90
Glenn	70,228.86	70,228.86
Imperial	242,608.77	242,608.77
Inyo	98,958.84	98,958.84
Kern	1,790,835.81	1,790,835.81
Los Angeles	15,842,991.30	15,842,991.30
Mendocino	296,876.52	296,876.52
Modoc	63,844.41	63,844.41
Monterey	600,137.49	600,137.49
Napa	360,720.94	360,720.94
Orange	6,508,937.99	6,508,937.99
Plumas	92,574.40	92,574.40
Sacramento	3,297,563.98	3,297,563.98
San Benito	204,302.12	204,302.12
San Bernardino	2,541,007.67	2,541,007.67
San Diego	11,389,843.44	11,389,843.44
Santa Clara	4,280,767.95	4,280,767.95
Shasta	475,640.88	475,640.88
Sierra	41,498.87	41,498.87
Solano	935,320.66	935,320.66
Stanislaus	983,203.97	983,203.97
Tehama	150,034.37	150,034.37
Ventura	1,995,137.93	1,995,137.93
Yolo	437,334.24	437,334.24
Yuba	137,265.49	137,265.49
TOTAL	\$57,322,706.96	\$57,322,706.96

PARALLEL MONITORING
HAVA ALLOWABLE/SECTIONS 253 AND 301
SUPPORT

FUNDING	FY 04-05	FY 05-06	FY 06-07	FY 07-08	TOTAL
Budgeted	\$ 287,000	\$ -	\$ 342,000	\$ 342,000	\$ 971,000
Actual					
Expenditures	\$ 278,319		\$ 300,828	\$ -	\$ 579,147
Balance	\$ 8,681	\$ -	\$ 41,172	\$ 342,000	\$ 391,853

This discretionary spending program had been used for several election cycles – beginning in 2004 – and provided for Election Day verification that voting equipment is working properly. Passage of AB 917 in 2007 precluded this activity from being paid for by HAVA funds. HAVA language requiring maintenance of effort by states and the application of OMB circular A133 precludes using HAVA funding to meet State mandates.

Current federal, state, and county certification processes, acceptance testing, and logic and accuracy testing of DRE voting systems occur prior to elections, but these required practices do not mirror actual election day voting conditions. Parallel monitoring is needed because these testing regimes are limited. They are not performed under actual election conditions, and logic and accuracy testing is not videotaped to provide “hard evidence” that the voting system is working as required. The most ardent skeptics of electronic voting systems claim that local elections officials are complicit in hiding problems or inaccurate votes generated by the systems.

It should also be noted also that a GAO report issued on September 21, 2005, referred to widespread reports of Election Day problems raised by many skeptics. The sheer volume of anecdotal incidents from which to draw gave GAO pause, while at the same time acknowledging there was no way to ascertain whether there was a systemic problem. The GAO noted:

“In light of the recently demonstrated voting system problems; the differing views on how widespread these problems are; and the complexity of assuring the accuracy, integrity, confidentiality, and availability of voting systems throughout their life cycles, the security and reliability concerns raised in recent reports merit the focused attention of federal, state, and local authorities responsible for election administration.” (GAO Report, page 23)

The Parallel Monitoring Program was designed as a supplement to the current logic and accuracy testing process described in the GAO report. The program was used for systems that have been already certified. It was prudent to conduct ongoing monitoring of voting systems in actual use. The program consisted of taking voting equipment that otherwise would have been used by voters and instead testing the equipment at the polling place on election day mirroring actual voting conditions. Voting equipment was tested in a sampling of counties using each brand and model of DRE equipment in use on Election Day. Pulling voting units, at random, from polling places and conducting this monitoring, under strict protocols and video-taping the process provides “hard evidence” that voting systems are working as

intended on Election Day. Previously, the program did reveal at least one instance of a computer glitch that had not been previously detected.

Parallel monitoring has proven to be a successful program and it was extremely valuable at this early stage of implementation and deployment of new voting systems. It provided “hard evidence” that could be reviewed after the fact should any disputes or controversies arise over the conduct or results of an election.

ADHERENCE TO HAVA VOTING SYSTEM’S GUIDELINES AND PROCESSES
HAVA REQUIRED/SECTIONS 254(a)(4) AND 301
SUPPORT

FUNDING	FY 05-06	FY 06-07	TOTAL
Budgeted	\$ 50,000	\$ 150,000	\$ 200,000
Actual Expenditures	\$ 50,000	\$ 150,000	\$ 200,000
Balance	\$ -	\$ -	\$ -

ACTIVITY/Tasks	FY	ESTIMATED COMPLETION	COMMENTS
Coordinate with Voting Accessibility Advisory Committee (VAAC)	05-06	Activities Completed	Consultants: Voting Systems Technology Assessment Adv Board
Consult with VAAC, counties, vendors, and election officials in other states to improve usability of voting systems			New voting system standards promulgated by EAC still in review and comment stage
Participate in EAC-sponsored efforts to improve voting system standards and certification procedures at the federal level			HAVA provides for a standards board comprised of state and local elections officials that continues to meet
Modify, amend and adopt voting systems standards, procedures, and protocols as appropriate			Completion of activity contingent upon EAC efforts noted above
Develop voting system use procedure templates			Use procedures adopted for each new voting system approved for use
Conduct field audits and inspections to verify only certified versions of hardware, software, and firmware are used in the conduct of elections			This effort is a continuous monitoring effort to ensure adherence to voting system approval conditions
Continue to coordinate with VAAC, counties, vendors, and election officials in other states to improve usability of voting systems	06-07		Due to changing technology in voting systems, there is an ongoing need to coordinate

Participate in EAC-sponsored efforts to improve voting system standards and certification procedures at the federal level			vendor-user interaction to improve accessibility and usability of voting systems.
Modify, amend, and adopt voting systems standards, procedures, and protocols as appropriate			Also, as systems change, so will the use procedures. The need for assessment, monitoring, and testing will continue to evolve.
Develop voting system use procedure templates			(See above comments)
Develop policies and procedures to secure chain-of-custody distribution of trusted versions of voting system software and certification			

Section 254(a)(4) of HAVA requires the State Plan to indicate how the State will adopt voting system guidelines and processes that are consistent with the requirements of Section 301. HAVA requires the EAC to promulgate new voting system standards to assist states in understanding and fulfilling the requirements of HAVA. HAVA specifies that these national standards are voluntary, but they are also the most definitive explanation of the new voting system standards.

The new voting system standards – both those explicit in HAVA (Section 301) and those promulgated pursuant to Section 311 – are driving virtually everything the state is doing in terms of voting system testing and assessment. The exception is the state Elections Code requirement for a VVPAT (see EC Sec. 19250). But even the state’s VVPAT requirement must be “blended” with HAVA voting system requirements. Furthermore, as previously noted, the ability to certify a voting system is dependent, in many cases, on the federal process because state law requires that DRE systems must first be tested and certified at the federal level before those voting systems are eligible for state testing and certification (see EC 19250). Federal approval is granted pursuant to adherence to federal standards. For these reasons, the federal process has become an integral first step in the certification process administered by SOS.

The Secretary has addressed the HAVA voting systems guidelines and processes by providing additional resources to ensure that the State processes for the approval of voting systems meet these requirements. This process was significantly complicated, however, by the fact that HAVA “mandated” that these standards be promulgated by January 1, 2004 – two years before the voting system standards explicitly articulated in HAVA under Section 301 took effect on January 1, 2006. In fact, these Voluntary Voting System Guidelines (VVSG) were promulgated by the EAC on December 13, 2005 – two years late, and just weeks before the January 1, 2006 deadline took effect. The guidelines are highly technical and in excess of 400 pages. Furthermore, those standards, which became effective on December 13, 2007, have undergone a significant revision.

Under state law, vendors must submit their voting systems to SOS for testing and review in order to gain state approval before those voting systems are legal for use in California. Under the state’s certification rubric, vendors must submit numerous documents before any voting

system is considered for approval. After these documents are reviewed, Secretary of State staff with the assistance of outside expert consultants test each voting system. In order for a voting machine to be used in a federal election, it must meet numerous requirements set forth in Section 301 of HAVA, as well as applicable provisos of state law (including Section 19250, et seq.).

SOS anticipates there will continue to be voting systems, components, and procedures submitted for state approval due to the new HAVA requirements and that there will be a further need to evaluate the new federal VVSG to determine whether in whole or in part these standards should be adopted in California and whether the state's testing and certification process should be amended. However, there is limited staff available to SOS to perform the highly technical process of testing and certification. In the case of the most recent certifications, these were accomplished with staff overtime and extensive use of consulting assistance. Furthermore, in the critical case of the Diebold certification, the state needed to call upon outside experts on an ad hoc basis. The addition of volume testing for voting systems, which is very labor and resource intensive, has proved its worth in uncovering voting system shortcomings (e.g. Diebold, Sequoia, InkaVote Plus).

Additional work that may be necessitated by these factors includes, but is not limited to:

- Evaluating the 600 pages of federal voting system standards to consider adoption of the standards by California
- Adopting new regulation and protocols for testing based on recent experience and new federal standards and protocols
- Collaborating with the EAC and other states based on actual experience during the most recent election cycles
- Tracking, and possibly seeking to influence, the adoption of new voting system standards
- Monitoring the performance of the federal certification process, which the EAC has, pursuant to HAVA, accepted responsibility for administering
- Continuing to test and certify new voting systems and modified voting systems presented by vendors.

POST-ELECTION AUDIT PROGRAM
HAVA RESEARCH GRANT/SECTION 271
LOCAL ASSISTANCE/SUPPORT

FUNDING	FY 11-12	FY 12-13	TOTAL
Budgeted	\$ 167,000	\$ 63,000	\$ 230,000
Funding Shift		\$ 67,000	
Actual Expenditures	\$ 100,000	\$ 130,000	\$ 230,000
Balance	\$ 67,000	\$ 0	\$ 0

In 2010, AB 2023 authorized, but did not fund, the Secretary of State (SOS) to conduct a post-election audit pilot program of election results to test risk-limiting audits in California counties. In April 2011, SOS received a grant from the U.S. Election Assistance Commission

(EAC) under HAVA Section 271 to conduct a 24-month post-election audit pilot to test new, risk-limiting audit models. The research problem for this program is how to conduct risk-limiting audits including multiple contests and cross-jurisdictional contests. SOS is partnering with UC Berkeley Statistics Professor Philip B. Stark, who has developed and conducted initial tests of audit models in California elections over the past four years. SOS will also work with up to 20 counties to conduct audits following elections in 2011 and 2012. Grant funds will be used to test and document processes and best practices for conducting cost-effective post-election audits using small batches and risk-limiting audit methods developed by Professor Stark.

Several test projects are scheduled to be conducted during smaller local elections held in 2011, building to larger studies to be conducted in the Presidential Primary and General elections in 2012. The results will be reported following the study of the November 2012 election. The schedule is as follows:

Activities	FY	Completion
UC researchers and counties conduct series of post-election audits following local and statewide elections held during two-year term of study April 2011- April 2013	11-12 & 12-13	
Reports published on web-page and semi annual reports submitted to EAC	11-12 & 12-13	April 2013

With county and state budgets facing severe cuts, it makes sense to consider new election auditing methods that may be more valid, efficient and cost-effective than California's 46-year-old law requiring a flat audit of 1% of all precincts statewide in every contest. Modern auditing methods can ensure the accuracy of election outcomes and improve public confidence in elections.

Via an amendment to the HAVA Spending Plan for FY 2011-12, SOS requested spending authority of \$82,000 for State Support to be used as follows:

Item – State Support	Amount
Contract with U.C. Berkeley for services of Professor Stark and a Graduate Research Assistant plus travel expenses incurred while working in counties	\$62,500
SOS redirected staff time and travel reimbursement while working with counties	\$19,500
Total – State Support	\$82,000

We also requested spending authority for \$85,000 for Local Assistance to be used to reimburse counties for personnel and materials costs required to assist the UC Berkeley study team in gathering county data for the post-election audit. Twenty counties are participating, with most of them scheduled to join in FY 2011-12. SOS's grant application specified that up to \$5,000 would be available to each county to defray personnel costs. The following counties have agreed to participate: Alameda, Alpine, Colusa, El Dorado, Humboldt, Madera, Marin, Merced, Monterey, Napa, Sacramento, San Diego, San Francisco, San Luis Obispo, Santa Cruz, Stanislaus, Sutter, Ventura, Yolo, and Yuba.

Because this federal grant was not awarded until April 2011, SOS requested spending authority for the estimated maximum funding that was anticipated to be necessary for FY 2011-12. The timing of the expenditure of those funds was contingent upon county participation in this program during FY 2011-12. In the FY 2012-13 Spending Plan, the SOS requested spending authority for \$63,000 in grant funding not included in the FY 2011-12 request and for re-authorization of any unused funds authorized for expenditure in FY 2011-12 to be used as follows:

Item – State Support	Amount
Contract with U.C. Berkeley for services of Professor Stark and a Graduate Research Assistant plus travel expenses incurred while working in counties	\$ 50,000
SOS redirected staff time and travel reimbursement while working with counties	\$ 20,000
Total – State Support	\$ 70,000
Item – Local Assistance	\$ 60,000
Total Requested	\$130,000

SOURCE CODE REVIEW/TOP TO-BOTTOM-REVIEW

HAVA ALLOWABLE/SECTION 301

SUPPORT

FUNDING	FY 04-05	FY 05-06	FY 06-07
Budgeted	-	-	\$760,000

Source code review was previously approved for \$1.2 million. Of this amount, \$400,000 was approved by the Legislature on September 7, 2004, and \$800,000 was included in the March 2005 spending plan. The spending plan addendum has been reduced by \$1.2 million and source code review has been eliminated as a discretionary expenditure activity. The Legislature approved \$760,000 for FY 2006-07.

HAVA STATEWIDE DATABASE/VOTECAL STATEWIDE VOTER REGISTRATION SYSTEM

HAVA REQUIRED/SECTION 303

Statewide Voter Registration Database – County Migration Costs

Interim Solution – County Retrofit Funding – Local Assistance

FUNDING	FY 05-06	FY 06-07	TOTAL
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Budgeted	\$ 3,100,000	\$ 363,503	\$3,463,503
Proposed			\$ -
Actual Expenditures	\$ 2,776,950	\$ 363,503	\$3,140,453
Balance	\$ 323,050	\$ -	\$ 353,050

Migration of Sequoia EMS Counties – Local Assistance

FUNDING	FY 07-08	TOTAL
Budgeted		\$ -
Proposed	\$ 282,000	\$ 282,000
Actual Expenditures	\$ 282,000	\$ 282,000
Balance		

Before the enactment of HAVA, state law explicitly designated counties as the government entities responsible for maintaining the voter rolls. The election management system (EMS) is the technological tool that counties use to maintain the voter rolls and to administer and conduct elections. With the enactment of HAVA, states were required on or before January 1, 2006, to create, and thereafter maintain, a single statewide voter registration database that includes the name and other required information of all the state's legally registered voters. Under prior Secretaries of State, California was informed by the U.S. Department of Justice (US DOJ) – the enforcement authority for HAVA – that it was at risk of failing to comply with this HAVA requirement and that enforcement action would be taken, if necessary, to ensure compliance. Negotiations with the US DOJ culminated in a Memorandum of Agreement (MOA) executed on November 2, 2005, that forestalled enforcement action. The MOA required, among its provisions, that the state develop an “interim solution” for meeting HAVA database requirements by integrating and synchronizing local EMSs into a statewide database. Integrating and synchronizing local EMSs with the statewide voter registration database required modifications to the local EMSs.

The MOA recognized the potential that not every local EMS could be modified as necessary to integrate with the statewide database. In those cases, the MOA required the state to “migrate” counties to an EMS that was or could be made compliant. During the implementation of the “interim solution,” some EMS vendors made it known that they intended to stop providing support for their products. At the end of 2006, Sequoia Voting Systems (also an EMS vendor) announced its intention, effective December 31, 2007, to stop providing support for its EMS.

Three counties – Napa, Tehama and Inyo – were using an election management system supplied and supported by Sequoia Voting Systems. These three counties were the only counties using the Sequoia EMS and in 2007, they were granted funding to assist with migrating from the Sequoia EMS. There is no expectation that other vendors will “pull out” of California. It is anticipated that this issue (the role of the local EMS vis-à-vis the statewide database) will be a topic of discussion with respect to the long-term VoteCal (statewide voter registration database) project, which is now under way.

In 2005 and 2006, pursuant to legislative approval, SOS provided funding for Sequoia to modify its EMS to integrate and synchronize with the statewide voter registration database.

The counties terminated the contract for additional upgrades to the EMS when Sequoia announced it would no longer support its EMS beyond 2007.

Continued integration and synchronization of all local EMSs is necessary to ensure California continues to comply with the HAVA requirements, pursuant to the MOA with US DOJ. Counties have expressed the need for continued vendor support for the EMS in order to maintain voter rolls and to administer elections.

REGISTRATION APPLICATION REQUIREMENTS

HAVA REQUIRED/SECTIONS 303 (4)(A) and 303 (5)(A) SUPPORT

FUNDING	FY 05-06	TOTAL
Budgeted	\$ 590,000	\$ 590,000
Actual Expenditures	\$ 477,000	\$ 477,000
Balance	\$ 113,000	\$ 113,000

Voter registration cards are ordered quarterly. The budgeted amount of \$590,000 was for 10 million HAVA compliant cards for the counties. The Budget Act of 2005 included authority for \$1.1 million; the additional money was not needed.

ACTIVITY/Tasks	FY	ESTIMATED COMPLETION	COMMENTS
Reformat voter registration cards to be HAVA compliant	05-06	Activity Complete	Printing is on a quarterly schedule. Activity complete.

HAVA requires that an application for voter registration "may not be accepted or processed... unless the application includes...the applicant's driver's license number; or... the last 4 digits of the applicant's social security number." If the applicant cannot provide either of these pieces of information, SOS will issue a unique identifying number until verification of residence can be established.

SOS complied with this HAVA mandate by modifying the format and instructions of the voter registration card. While the prior voter registration card solicited the driver's license and the last four digits of the applicant's social security number, reformatting the card and updating the instructions to include the new requirements was necessary to make the State's process HAVA compliant. Prior to January 1, 2006, state law prohibited elections officials (state and local) from registering a voter if the voter failed to provide their driver's license number or the last four digits of their social security number, which is in direct contradiction with HAVA requirements. Effective January 1, 2006, that provision of the Elections Code has been stricken, and California law now conforms to Federal HAVA requirements. SOS promulgated regulations to update and reformat the voter registration card.

SOS printed 10,000,000 new registration cards in seven languages and removed the non-compliant and outdated voter registration cards from circulation. SOS estimated that 10,000,000 cards was the amount needed to replace the existing stock of voter registration

cards for all counties. In addition to distributing the new cards to counties, the cards are available upon request to counties, individuals, and organizations.

According to HAVA requirements, voters who possess a current, valid driver's license must provide this information to the elections official when they register to vote. If the voter does not possess a current, valid driver's license, they must provide the last four digits of their social security number. This data must be independently verified by elections officials in order for the voter to be legally registered. HAVA provides that no voter registration affidavit may be accepted or processed without this information. If a voter does not possess either a valid driver's license or a social security number, HAVA requires elections officials to issue the voter a unique identifier. Additionally, any potential first-time voter who registers by mail who has not provided a driver's license number or partial social security number that has been independently verified is required to show a form of identification (as specified by HAVA and the State) in order for the ballot that they cast to be counted. These provisions are critical. Voter registration represents the threshold for a person to become an eligible voter. Therefore, election officials and voters will need to receive education on the new voter registration card requirements in order to avoid voter disenfranchisement. The education needed to comply with this section will be combined with other required education in an overall education and outreach program.

POLL MONITORING

HAVA ALLOWABLE/SECTION 305

SUPPORT

FUNDING	FY 05-06	FY 06-07	FY 07-08	TOTAL
Budgeted	\$ 65,000	\$ 65,000	\$ 75,000	\$ 205,000
Actual Expenditures	\$ 46,491	\$ 65,000	\$ 75,000	\$ 186,491
Balance	\$ 18,509	\$ -	\$ -	\$ 18,509

This is a discretionary spending item via Section 305 where trained personnel observe and report on Election Day compliance. It should be noted that although this is a discretionary activity, it is implied that it is required in Sections 101, 251 and 253 which states that improving the administration of elections, which cannot be accomplished without oversight, is a responsibility that rests with the state's chief elections officer. This activity is more critical with first-time voter requirements and deployment voting systems under new conditions established via a top-to-bottom review of voting systems. The decertification and recertification orders for voting systems issued by SOS on August 3, 2007, provided the public with the ability to inspect the protective, tamper-evident seals applied to electronic (DRE) voting systems and may require voter education on the use of voting systems to protect against "overvoting" (i.e. the possibility that a voter may mismark an optical scan ballot by voting for more than one candidate or voting both 'yes' and 'no' on a ballot measure). Furthermore, poll workers will be required to observe poll opening and poll closing procedures that ensure voting equipment and ballots are secure against tampering. With these conditions in place, it is necessary and prudent to provide for independent observation of the administration of the state election process and is fundamental to the oversight responsibilities for HAVA.

The SOS sets up the protocols for poll monitoring. Items that were observed included, but were not limited to, first-time voter ID requirements, voter registration verification efforts, posting of the Voter Bill of Rights, polling place accessibility, availability of HAVA Section 301(a)(3) equipment, and provisional voting rights. These monitors also assist with “election day triage,” a process used to track issues raised during the Election Day to help provide immediate assistance as necessary.

This program entailed coordinating activities with county election officials, recruiting monitors, developing and implementing training, researching polling places and assigning monitors, overseeing Election Day efforts, following up with counties in terms of post-election reports, and addressing problems to be resolved in future elections.

August 11, 2014 HAVA Spending Plan BCP (Governor's 2015-16 Budget)															
Fiscal Year	02-03/03-04	04-05	05-06	06-07	07-08	08-09	09-10	10-11	11-12	12-13	13-14	14-15	15-16	16-17	Total
Beginning Balance	\$ -	\$ 125,303,282	\$ 283,009,725	\$ 183,101,376	\$ 186,034,088	\$ 105,985,623	\$ 120,121,123	\$ 126,101,743	\$ 195,331,669	\$ 124,248,239	\$ 117,759,227	\$ 102,138,835	\$ 75,268,750	\$ 37,634,885	
HAVA Revenues:															
Section 101	\$27,340,830				-\$536,122										\$26,804,708
Section 102	\$57,322,707														\$57,322,707
Section 251	\$94,559,169	\$169,677,955				\$12,908,853	\$11,225,089	\$7,857,561							\$296,228,627
Section 271								\$230,000							\$230,000
Non HAVA Revenues:															\$0
Section 261 (DHHS \$)	\$1,371,756	\$985,955	\$987,918	\$1,113,936	\$1,113,511	\$1,279,848	\$1,279,927	\$1,276,978	\$1,267,146						\$10,676,975
Interest Earned - Section 101	\$354,833	\$482,397	\$546,713	\$533,181	\$354,195	\$190,341	\$65,399	\$30,483	\$22,401	\$16,928	\$9,753				\$2,606,624
Interest Earned - Section 102 and 251	\$672,987	\$1,726,553	\$8,369,322	\$12,272,156	\$9,636,104	\$4,768,657	\$1,547,083	\$853,654	\$778,824	\$607,833	\$435,181				\$41,668,355
Total Revenues Available	\$181,622,282	\$298,176,142	\$292,913,678	\$197,020,649	\$196,601,776	\$125,133,322	\$134,238,622	\$136,350,419	\$197,400,040	\$124,873,000	\$118,204,161	\$102,138,835	\$75,268,750	\$37,634,885	\$435,537,996
HAVA Activities															
Compliance with Sec 301/AVVPAT			\$101,611,033	\$5,680,011	\$87,667,059	\$0		-\$65,867,220	\$65,867,220			\$41,897			\$195,000,000
Statewide Database (VoteCal)				\$360,094	\$1,200,662	\$1,360,424	\$4,098,535	\$2,031,477	\$2,141,344	\$2,801,300	\$12,247,682	\$21,579,500	\$34,194,345	\$4,483,258	\$86,498,621
Redirected Staff				\$67,890	\$122,977	\$162,972	\$360,581	\$255,235	\$154,983	\$59,507	\$220,307	\$143,782	\$143,782	\$854,807	\$2,546,823
Interim Solution-SOS			\$311,919	\$344,000	\$180,000	\$240,000	\$252,000	\$738,500	\$2,056,932	\$553,000	\$429,000	\$450,000	\$450,000		\$6,005,351
Interim Solution-County Retrofit			\$2,776,950	\$363,503	\$282,000										\$3,422,453
Registration Application Requirements			\$477,000												\$477,000
County Training Grants															\$0
Voter Educ Develop and Dissemination			\$164,000	\$300,000	\$500,000	\$384,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000		\$4,848,000
HAVA Voting Systems			\$50,000	\$150,000											\$200,000
Voting System Testing and Certification						\$200,000	\$200,000	\$200,000	\$120,000	\$120,000	\$120,000	\$120,000	\$320,000		\$1,400,000
Source Code Review				\$760,000											\$760,000
Poll Monitoring			\$46,491	\$65,000	\$75,000										\$186,491
Elect Asst for Indiv with Disabilities (EAID)			\$337,909	\$809,063	\$972,916	\$732,803	\$935,763	\$1,541,990	\$588,050	\$1,307,238	\$800,337	\$2,329,906	\$321,000		\$10,676,975
Federal Auditing															\$0
Planning Estimate Adjustments						\$277,000									\$277,000
Administration	\$1,395,000	\$1,280,000	\$1,627,000	\$1,745,000	\$1,655,000	\$1,655,000	\$1,705,000	\$1,605,000	\$1,605,000	\$1,614,000	\$1,605,000	\$1,605,000	\$1,604,738		\$20,700,738
Poll Worker Training		\$8,499,000													\$8,499,000
County Security		\$1,301,417													\$1,301,417
Parallel Monitoring		\$287,000		\$342,000	\$342,000										\$971,000
Punch Card Replacement	\$51,114,000	\$3,799,000	\$2,410,000												\$57,323,000
Outreach (Other Expenditures)	\$3,810,000				-\$2,381,461										\$1,428,539
Poll Worker Training/Election Assessment							\$85,000	\$13,768	\$60,000	\$30,000	\$100,000	\$100,000	\$100,000		\$488,768
Post-Election Audit Program - Sec. 271									\$58,272	\$128,728	\$43,000				\$230,000
Total	\$56,319,000	\$15,166,417	\$109,812,302	\$10,986,561	\$90,616,153	\$5,012,199	\$8,136,879	-\$58,981,250	\$73,151,801	\$7,113,773	\$16,065,326	\$26,870,085	\$37,633,865	\$5,338,065	\$403,241,176
Balance	\$125,303,282	\$283,009,725	\$183,101,376	\$186,034,088	\$105,985,623	\$120,121,123	\$126,101,743	\$195,331,669	\$124,248,239	\$117,759,227	\$102,138,835	\$75,268,750	\$37,634,885	\$32,296,820	\$32,296,820

	August 14, 2015 HAVA Spending Plan BCP (Governor's 2016-17 Budget)																
Fiscal Year	02-03/03-04	04-05	05-06	06-07	07-08	08-09	09-10	10-11	11-12	12-13	13-14	14-15	15-16	16-17	Total	Diff. to Pg 1	Comments
Beginning Balance	\$ -	\$ 125,303,282	\$ 283,009,725	\$ 183,101,376	\$ 186,034,088	\$ 165,877,213	\$ 180,012,713	\$ 185,993,333	\$ 189,356,039	\$ 174,964,426	\$ 168,551,198	\$ 153,521,095	\$ 135,710,641	\$ 47,316,140			
HAVA Revenues:																	
Section 101	\$27,340,830				-\$536,122										\$26,804,708	\$ -	
Section 102	\$57,322,707														\$57,322,707	\$ -	
Section 251	\$94,559,169	\$169,677,955				\$12,908,853	\$11,225,089	\$7,857,561							\$296,228,627	\$ -	
Section 271								\$230,000							\$230,000	\$ -	
Non HAVA Revenues:															\$0	\$ -	
Section 261 (DHHS \$)	\$1,371,756	\$985,955	\$987,918	\$1,113,936	\$1,113,511	\$1,279,848	\$1,279,927	\$1,276,978	\$1,267,146						\$10,676,975	\$ -	
Interest Earned - Section 101	\$354,833	\$482,397	\$546,713	\$533,181	\$354,195	\$190,341	\$65,399	\$30,483	\$22,401	\$16,928	\$9,753	\$8,750			\$2,615,374	\$ 8,750	Additional interest earned through March 31, 2015
Interest Earned - Section 102 and 251	\$672,987	\$1,726,553	\$8,369,322	\$12,272,156	\$9,636,104	\$4,768,657	\$1,547,083	\$853,654	\$778,824	\$607,833	\$435,181	\$391,656			\$42,060,011	\$ 391,656	Additional interest earned through March 31, 2015
Total Revenues Available	\$181,622,282	\$298,176,142	\$292,913,678	\$197,020,649	\$196,601,776	\$185,024,912	\$194,130,212	\$196,242,009	\$191,424,410	\$175,589,187	\$168,996,132	\$153,921,501	\$135,710,641	\$47,316,140	\$435,938,402	\$ 400,406	
HAVA Activities																	
Compliance with Sec 301/AVVPAT			\$101,611,033	\$5,680,011	\$27,773,254	\$0			\$9,175,403				\$50,760,299		\$195,000,000	\$ -	Funds shifted to issue new grants
Statewide Database (VoteCal)				\$360,094	\$1,202,877	\$1,360,424	\$4,098,535	\$2,031,477	\$2,141,344	\$2,725,516	\$11,866,546	\$12,824,790	\$34,194,345	\$4,483,258	\$77,289,206	\$ (9,209,415)	VoteCal spending was different than budgeted
Redirected Staff				\$67,890	\$122,977	\$162,972	\$360,581	\$255,235	\$154,983	\$59,507	\$220,307	\$281,164	\$143,782	\$854,807	\$2,684,205	\$ 137,382	VoteCal spending was different than budgeted
Interim Solution-SOS			\$311,919	\$344,000	\$180,000	\$240,000	\$252,000	\$738,500	\$2,056,932	\$553,000	\$429,000	\$450,000	\$450,000	\$450,000	\$6,455,351	\$ 450,000	To maintain CalVoter system
Interim Solution-County Retrofit			\$2,776,950	\$363,503	\$282,000										\$3,422,453	\$ -	
Registration Application Requirements			\$477,000												\$477,000	\$ -	
County Training Grants															\$0	\$ -	
Voter Educ Develop and Dissemination			\$164,000	\$300,000	\$500,000	\$384,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$5,348,000	\$ 500,000	Continue voter education outreach and update materials
HAVA Voting Systems			\$50,000	\$150,000											\$200,000	\$ -	
Voting System Testing and Certification						\$200,000	\$200,000	\$200,000	\$120,000	\$120,000	\$120,000	\$120,000	\$320,000	\$380,000	\$1,780,000	\$ 380,000	OVSTA staff and expenses. One additional PY added.
Source Code Review				\$760,000											\$760,000	\$ -	
Poll Monitoring			\$46,491	\$65,000	\$75,000										\$186,491	\$ -	
Elect Asst for Indiv with Disabilities (EAID)			\$337,909	\$809,063	\$972,916	\$732,803	\$935,763	\$1,541,990	\$588,050	\$1,307,238	\$591,184	\$2,329,906	\$321,337	\$50,000	\$10,518,159	\$ (158,816)	\$50,000 Support. (This amount is shifted from unused funds in 13-14. Remaining amount will be shifted in 15-16 SP Amendment.)
Federal Auditing															\$0	\$ -	
Planning Estimate Adjustments						\$277,000									\$277,000	\$ -	
Administration	\$1,395,000	\$1,280,000	\$1,627,000	\$1,745,000	\$1,655,000	\$1,655,000	\$1,705,000	\$1,605,000	\$1,605,000	\$1,614,000	\$1,605,000	\$1,605,000	\$1,604,738	\$1,604,738	\$22,305,476	\$ 1,604,738	Administration costs to monitor program & funding
Poll Worker Training		\$8,499,000													\$8,499,000	\$ -	
County Security		\$1,301,417													\$1,301,417	\$ -	
Parallel Monitoring		\$287,000		\$342,000	\$342,000										\$971,000	\$ -	
Punch Card Replacement	\$51,114,000	\$3,799,000	\$2,410,000												\$57,323,000	\$ -	
Outreach (Other Expenditures)	\$3,810,000				-\$2,381,461										\$1,428,539	\$ -	
Poll Worker Training/Election Assessment							\$85,000	\$13,768	\$60,000	\$30,000	\$100,000	\$100,000	\$100,000	\$100,000	\$588,768	\$ 100,000	Review study/survey/observation results.
Post-Election Audit Program - Sec. 271									\$58,272	\$128,728	\$43,000				\$230,000	\$ -	
Total	\$56,319,000	\$15,166,417	\$109,812,302	\$10,986,561	\$30,724,563	\$5,012,199	\$8,136,879	\$6,885,970	\$16,459,984	\$7,037,989	\$15,475,037	\$18,210,860	\$88,394,501	\$8,422,803	\$397,045,065	\$ (6,196,111)	
Balance	\$125,303,282	\$283,009,725	\$183,101,376	\$186,034,088	\$165,877,213	\$180,012,713	\$185,993,333	\$189,356,039	\$174,964,426	\$168,551,198	\$153,521,095	\$135,710,641	\$47,316,140	\$38,893,337	\$38,893,337		